

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.


27-RC-282916

Date Filed

9/14/2021

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: Grocery Delivery E-Services USA Inc		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 16304 E. 32nd Avenue, Aurora, CO 80011	
3a. Employer Representative - Name and Title: Rohan Lindsay, Associate Director		3b. Address (if same as 2b - state same): Same	
3c. Tel. No. (888) 236-7295	3d. Cell No.	3e. Fax No.	3f. E-Mail Address rohan.lindsay@greenchef.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Factory / Industrial Kitchen		4b. Principal Product or Service Meal kits	5a. City and State where unit is located: Aurora, CO
5b. Description of Unit Involved: Included: See Attachment A. Excluded: See Attachment A.			6a. Number of Employees in Unit: 386
			6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Check One: <input checked="" type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) 9/14/21 and Employer declined recognition on or about (Date) No reply (If no reply received, so state). <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (If none, so state) None		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any:		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? No <input checked="" type="radio"/> If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state) None.			
10a. Name		10b. Address	10c. Tel. No.
			10d. Cell No.
			10e. Fax No.
			10f. E-Mail Address
11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election:			11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
11b. Election Date(s): As soon as possible.		11c. Election Time(s):	11d. Election Location(s): 16304 E. 32nd St, Aurora, CO 80011
12a. Full Name of Petitioner (including local name and number): UNITE HERE LOCAL 23		12b. Address (street and number, city, State and ZIP code): 12015 E. 46th Avenue, Suite 415, Denver CO 80239	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state): UNITE HERE International Union			
12d. Tel. No. (303) 759-5458	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Ivy Yan, McCracken, Stemerman & Holsberry LLP		13b. Address (street and number, city, State and ZIP code): 595 Market St, Ste 800, San Francisco, CA 94105	
13c. Tel. No. 415-597-7200	13d. Cell No. (317) 937-7802	13e. Fax No. 415-597-7201	13f. E-Mail Address iyan@msh.law
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Kevin Abels	Signature 		Title UNITE HERE LOCAL 23 CHAPTER PRESIDENT
			Date 9/14/21

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITE HERE FORM 502 ATTACHMENT A

All regular part-time and full-time employees of the Employer in the classifications Bundle workers, Line workers, Pack or packing workers, Cleaners, Leads, Prep workers, Trainers, Runners, Quality assurance workers, Inventory, Sanitation workers, Powered industrial truck operators, Machine operators, Assembly, Warehouse, Shipping, Maintenance, Safety, Sauce, and Sticker at its operations at 16304 E. 32nd St., Aurora, CO 80011, but excluding guards, office clericals, managers and statutory supervisors.

CERTIFICATE OF SERVICE

Employer Name: Grocery Delivery E-Services USA Inc

Service on the Employer

I hereby certify that on 9/14/21 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- ☒ e-mail to the email address shown on the petition.
- ☐ facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of Employer's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- ☐ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- ☐ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.



Signature

Kevin Abeles, UNITE HERE Local 23 Chapter President

Name and Title

9/14/21

Date



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlrb.gov
Telephone: (303)844-3551
Fax: (303)844-6249



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NLRB
Mobile App

URGENT

September 14, 2021

Kevin Abels, Chapter President
UNITE HERE Local 23
12015 E 46th Ave., Ste. 415
Denver, CO 80239
kabels@unitehere.org

Re: Grocery Delivery E-Services USA Inc
Case 27-RC-282916

Dear Mr. Abels:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner STEPHANIE SCAFFIDI whose telephone number is (720)598-7388. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Assistant to the Regional Director KELLY SELVIDGE whose telephone number is (720)598-7389. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 a.m. on Monday, October 4, 2021 by telephonic or video conference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by Tuesday, September 21, 2021 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Mountain Time on Friday, September 24, 2021**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Mountain Time on Wednesday, September 29, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but**

after noon Mountain Time. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or

from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

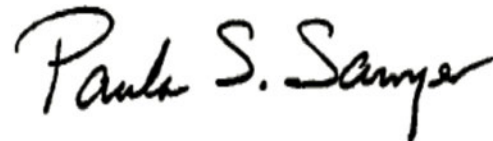
If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

September 14, 2021

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Paula S. Sawyer". The signature is written in a cursive, flowing style.

PAULA S. SAWYER
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Ivy Yan, Attorney at Law
McCracken, Stemerman & Holsberry, LLP
595 Market St., Ste. 800
San Francisco, CA 94105-2813
iyan@msh.law



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that UNITE HERE Local 23 has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 27-RC-282916 seeking an election to become certified as the representative of the employees of Grocery Delivery E-Services USA Inc. in the unit set forth below:

Include: All regular part-time and full-time employees of the Employer in the classifications Bundle workers, Line workers, Pack or packing workers, Cleaners, Leads, Prep workers, Trainers, Runners, Quality assurance workers, Inventory, Sanitation workers, Powered industrial truck operators, Machine operators, Assembly, Warehouse, Shipping, Maintenance, Safety, Sauce, and Sticker at its operations at 16304 E. 32nd St., Aurora CO 80011.

Exclude: Guards, office clericals, managers and statutory supervisors

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (303)844-3551.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**



Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner	Case 27-RC-282916
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 a.m. on **Monday, October 4, 2021**, and on consecutive days thereafter until concluded, a hearing will be conducted by telephonic or video conference. The hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Grocery Delivery E-Services USA Inc. must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Mountain time on **Friday, September 24, 2021**. Following timely filing and service of a Statement of Position by Grocery Delivery E-Services USA Inc., the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Mountain on **Wednesday, September 29, 2021**.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Mountain on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: September 14, 2021

/s/ *Paula S. Sawyer*

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner	Case 27-RC-282916
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AFFIDAVIT OF SERVICE OF: Petition dated September 14, 2021, Notice of Representation Hearing dated September 14, 2021, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 14, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Rohan Lindsay, Associate Director
Grocery Delivery E-Services USA Inc.
16304 E. 32nd Ave
Aurora, CO 80011
rohan.lindsay@greenchef.com

Ivy Yan, Attorney at Law
McCracken, Stemerman & Holsberry, LLP
595 Market St., Ste 800
San Francisco, CA 94105-2813
iyan@msh.law

Kevin Abels, Chapter President
UNITE HERE Local 23
12015 E 46th Ave., Ste. 415
Denver, CO 80239
kabels@unitehere.org

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlr.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

27-RC-282916

Date Filed

September 14, 2021

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative		9b. Signature of authorized representative	9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME Grocery Delivery E-Services USA Inc dba Hello Fresh/Green Chef	CASE NUMBER 27-RC-282916
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.
27-RC-282916

Date Filed
September 14, 2021

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlr.gov
Telephone: (303)844-3551
Fax: (303)844-6249



Download
NLRB
Mobile App

URGENT

September 14, 2021

Rohan Lindsay, Associate Director
Grocery Delivery E-Services USA Inc.
16304 E. 32nd Ave
Aurora, CO 80011
rohan.lindsay@greenchef.com

Re: Grocery Delivery E-Services USA Inc
Case 27-RC-282916

Dear Mr. Lindsay:

Enclosed is a copy of a petition that UNITE HERE Local 23 filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner STEPHANIE SCAFFIDI whose telephone number is (720)598-7388. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director KELLY SELVIDGE whose telephone number is (720)598-7389. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by Tuesday, September 21, 2021 in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with employees in the petitioned-for unit, you must also distribute the notice electronically to

them. You must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Mountain Time on Friday, September 24, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon Mountain Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from

contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Mountain Time on Wednesday, September 29, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 a.m. on Monday, October 4, 2021 by telephonic or video conference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);
- (b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

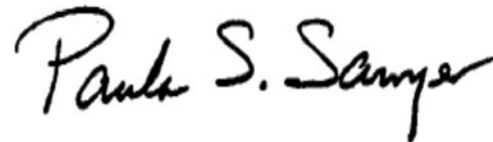
Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

September 14, 2021

determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Paula S. Sawyer". The signature is written in a cursive, flowing style.

PAULA S. SAWYER
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that UNITE HERE Local 23 has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 27-RC-282916 seeking an election to become certified as the representative of the employees of Grocery Delivery E-Services USA Inc. in the unit set forth below:

Include: All regular part-time and full-time employees of the Employer in the classifications Bundle workers, Line workers, Pack or packing workers, Cleaners, Leads, Prep workers, Trainers, Runners, Quality assurance workers, Inventory, Sanitation workers, Powered industrial truck operators, Machine operators, Assembly, Warehouse, Shipping, Maintenance, Safety, Sauce, and Sticker at its operations at 16304 E. 32nd St., Aurora CO 80011.

Exclude: Guards, office clericals, managers and statutory supervisors

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (303)844-3551.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**



Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner	Case 27-RC-282916
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 a.m. on **Monday, October 4, 2021**, and on consecutive days thereafter until concluded, a hearing will be conducted by telephonic or video conference. The hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Grocery Delivery E-Services USA Inc. must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Mountain time on **Friday, September 24, 2021**. Following timely filing and service of a Statement of Position by Grocery Delivery E-Services USA Inc., the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Mountain on **Wednesday, September 29, 2021**.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Mountain on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: September 14, 2021

/s/ *Paula S. Sawyer*

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner	Case 27-RC-282916
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AFFIDAVIT OF SERVICE OF: Petition dated September 14, 2021, Notice of Representation Hearing dated September 14, 2021, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 14, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Rohan Lindsay, Associate Director
Grocery Delivery E-Services USA Inc.
16304 E. 32nd Ave
Aurora, CO 80011
rohan.lindsay@greenchef.com

Ivy Yan, Attorney at Law
McCracken, Stemerman & Holsberry, LLP
595 Market St., Ste. 800
San Francisco, CA 94105-2813
iyan@msh.law

Kevin Abels, Chapter President
UNITE HERE Local 23
12015 E 46th Ave., Ste. 415
Denver, CO 80239
kabels@unitehere.org

September 14, 2021

Date

Kelly Selvidge
Designated Agent of NLRB

Name

/s/ *Kelly Selvidge*

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

27-RC-282916

Date Filed

September 14, 2021

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative		9b. Signature of authorized representative	9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Grocery Delivery E-Services USA Inc dba Hello Fresh/Green Chef

CASE NUMBER

27-RC-282916

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$ _____

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.
27-RC-282916

Date Filed
September 14, 2021

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner
--

CASE 27-RC-282916

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Green Chef Corporation, improperly named as Grocery Delivery E-Services USA Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: <u>Peter B. Ajalat, Esq.</u>	
MAILING ADDRESS: <u>Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102</u>	
E-MAIL ADDRESS: <u>pajalat@littler.com</u>	
OFFICE TELEPHONE NUMBER: <u>973.848.4737</u>	
CELL PHONE NUMBER: <u>201.314.1458</u>	FAX: <u>973.741.2312</u>
SIGNATURE: <u>/s/ Peter B. Ajalat</u>	
DATE: <u>September 15, 2021</u>	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Grocery Delivery E-Services USA Inc. Employer and UNITE HERE Local 23 Petitioner
--

CASE 27-RC-282916

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Green Chef Corporation, improperly named as Grocery Delivery E-Services USA Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: <u>Tyler A. Sims, Esq.</u>	
MAILING ADDRESS: <u>Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102</u>	
E-MAIL ADDRESS: <u>tsims@littler.com</u>	
OFFICE TELEPHONE NUMBER: <u>973.848.4747</u>	
CELL PHONE NUMBER: <u>260.416.9303</u>	FAX: <u>973.741.2765</u>
SIGNATURE: <u>/s/ Tyler A. Sims</u> (Please sign in ink.)	
DATE: <u>September 15, 2021</u>	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



OBJETIVO DE LA ELECCION: Esta elección es para que los empleados que son elegibles para votar escojan a su representante, si hubiese alguno, con el fin de negociar colectivamente con el Empleador. (Fíjese en LA UNIDAD DE VOTACION en este Aviso de Elección, de los empleados que son elegibles para votar). La mayoría de votos válidos emitidos determinará los resultados de la elección. Solamente se puede celebrar una elección válida de representación dentro de un período de 12 meses.

PAPELETA DE VOTACION SECRETA: La elección será por votación secreta a través del correo de los Estados Unidos bajo la supervisión del Director Regional de la Junta Nacional de Relaciones del Trabajo (JNRT). Una muestra de la papeleta de votación oficial se muestra en la siguiente página de este Aviso. Los votantes podrán votar sin interferencia, restricción, ni amenaza. Los empleados elegibles para votar recibirán por correo, las *Instrucciones Para los Empleados que Votan por el Correo de los Estados Unidos*, una papeleta de votación, un sobre azul, y un sobre amarillo con su dirección y franqueo pre-pagado.

REGLAS DE ELEGIBILIDAD: Los empleados elegibles para votar son aquellos que están definidos según la UNIDAD DE VOTACION en la siguiente página, e incluye a los empleados que no trabajaron durante el período de la nómina designada porque estaban enfermos o en vacaciones, o estaban temporalmente descansados. Los empleados que hayan renunciado o que hayan sido despedidos con causa desde el período de la nómina designada y quienes no hayan sido recontratados o reincorporados antes de la fecha de esta elección *no* son elegibles para votar.

IMPUGNACION DE LOS VOTANTES: Un agente de la Junta o un observador autorizado puede cuestionar la elegibilidad de un votante. Dicha impugnación debe de ser hecha al momento del conteo de las papeletas.

OBSERVADORES AUTORIZADOS: Cada parte puede designar un número igual de observadores, este número será determinado por la JNRT. Aquellos observadores (a) actúan como controladores en el área de votación y durante el conteo de los votos; (b) ayudan a identificar a los votantes; (c) impugnan a votantes y papeletas y (d) de otra forma asisten a la JNRT.

METODO Y FECHA DE LA ELECCION

La elección será conducida a través del correo de los Estados Unidos. Las papeletas de votación serán enviadas por correo a los empleados contratados en la unidad apropiada de la negociación colectiva. A la 1:00 p.m. (MDT), el jueves, el 28 de octubre del 2021, las papeletas de votación serán enviadas por correo a los votantes desde la Junta Nacional de Relaciones del Trabajo, Región 27, Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294. Los votantes deben de firmar la parte de afuera del sobre en el cual la papeleta se regresa. Cualquiera papeleta de votación recibida en un sobre que no esté firmado será automáticamente nula.

Aquellos empleados que creen que son elegibles para votar y no recibieron una papeleta por correo a más tardar el 4 de noviembre del 2021, deberán comunicarse de inmediato con la Junta Nacional de Relaciones del Trabajo, ya sea llamando a la Oficina de la Región 27 en (303) 844-3551 o a nuestra línea telefónica gratis 1-844-762-NLRB (1-844-762-6572).

Todas las papeletas serán mezcladas y contadas en la Oficina de la Región 27 el lunes, el 22 de noviembre del 2021 a la 1:00 p.m. (MST). Para que sean validas y contadas, las papeletas de votación regresadas deberán ser recibidas en la Oficina de la Región 27 antes del conteo de las papeletas.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



UNIDAD DE VOTACIÓN

EMPLEADOS QUE SON ELEGIBLES PARA VOTAR:

Incluidos: Todos los empleados de tiempo completo y tiempo parcial regular de producción, mantenimiento, y almacén quienes trabajan para el Empleador en su establecimiento localizado en Aurora, Colorado, incluyendo empleados de “prep”, “kitting”, amadores, dirigentes del grupo, corredores, entrenadores, empleados de seguridad de calidad, dependientes del inventario, dependientes de recibo, empleados de salubridad, conductores de horquilla, operadores de máquinas, empleados de embarque, mantenimiento, producción, coordinadores de seguridad, y “sticker” en el establecimiento de Aurora, Colorado quienes fueron contratados por el Empleador durante el periodo de la nómina que terminó el 26 de septiembre del 2021.

EMPLEADOS QUE NO SON ELEGIBLES PARA VOTAR:

Excluidos: Todos los “chefs”, asistentes del “chef”, oficinistas, empleados temporales, empleados profesionales, empleados confidenciales, guardias, gerentes, y supervisores, como definidos en la Ley.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



La muestra de la papeleta reproducido en este aviso está escrito en español y representa la traducción de la papeleta que recibirá en la elección. Sin embargo, la papeleta que recibirá en le elección será imprimido en ingles solamente.



ESTADOS UNIDOS DE AMERICA
Junta Nacional De Relaciones Del Trabajo
27-RC-282916



PAPELETA SECRETA OFICIAL

Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

¿Desea usted estar representado para los fines de negociar colectivamente por
UNITE HERE LOCAL 23, AFL-CIO?

MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

YES
SI

☐

NO
NO

☐

NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.

Vea las Instrucciones incluidas.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



DERECHOS PARA EMPLEADOS – LA LEY FEDERAL LES DA EL DERECHO DE:

- Formarse, unirse o apoyar a una unión
- Escoger a representantes para que negocien de su parte con su empleador
- Actuar junto con otros empleados por beneficio y protección mutua
- Elegir no participar en ninguna de estas actividades protegidas
- En un Estado donde tales acuerdos son permitidos, la Unión y el Empleador podrán celebrar un acuerdo legal de protección sindical que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. Los no-miembros que informen a la unión de su objeción a que sus pagos sean usados con propósitos no representativos, podrán ser requeridos de pagar solo la porción de los costos de la unión por actividades representativas (tales como negociación colectiva, administración de contratos y resolución de quejas).

Es la responsabilidad de la Junta Nacional de Relaciones del Trabajo proteger a los empleados en el ejercicio de estos derechos.

La Junta desea que todos los empleados que sean elegibles para votar estén completamente informados sobre sus derechos según la ley Federal y desea que ambos, El Empleador y las Uniones, sepan que se espera de ellos cuando se celebra una elección.

Si los agentes, tanto de las Uniones o del Empleador interfieren con sus derechos de tener una elección libre, justa, y honesta, la elección podría ser desestimada por la Junta. Cuando es apropiado, la Junta proporcionara otros recursos, tales como la reincorporación de los empleados despedidos por ejercer sus derechos, incluyendo el pago retroactivo por parte de los responsables de sus despidos.

Los siguientes son ejemplos de conductas que interfieren con los derechos de los empleados y puede resultar en la desestimación de la elección:

- Un empleador o la unión que amenace con la pérdida de trabajos o beneficios.
- Una de las partes capaces que promete u otorga promociones, aumento de sueldos, u otros beneficios para influenciar el voto del empleado.
- Un empleador que despide a empleados para desalentar o alentar la actividad de unión, o una unión que cause sus despidos para alentar la actividad de la unión.
- Dar discursos de campaña para congrega grupos de empleados en horas de trabajo, donde la asistencia es obligatoria, dentro del periodo de las 24 horas antes de que los centros de votación abran por primera vez, o que las papeletas de votación por correo sean despachadas.
- Un empleador o la unión que instigue prejuicios raciales o religiosos por medio de apelaciones inflamatorias.
- Una unión o un empleador que amenace a los empleados con fuerza física o violencia para influenciar sus votos.

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección.

No se permitirán conductas inapropiadas. Se espera que todas las partes cooperen totalmente con esta Agencia para mantener los principios básicos de elecciones justas como es requerido por la ley.

Cualquier persona con preguntas sobre una elección puede contactar a la Oficina de la JNRT al (303)844-3551 o visitar la página web de la JNRT www.nlr.gov para ser asistido.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**Grocery Delivery E-Services USA, Inc. d/b/a Hello
Fresh/Green Chef**

Case 27-RC-282916

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Grocery Delivery E-Services USA, Inc. d/b/a HelloFresh/Green Chef, a Delaware corporation, with a facility located in Aurora, Colorado, is a food packaging and delivery provider. During the past twelve months, a representative period, the Employer, in the course and conduct of its business operations, had gross revenue in excess of \$500,000 and sold goods valued in excess of \$5,000 directly to customers outside the State of Colorado.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 27, at **1:00 p.m. (MDT) on Thursday, October 28, 2021**. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 27 office by **1:00 p.m. (MST) on Monday, November 22, 2021 (MST)**. The mail ballots will be counted at the Region 27 office located at Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294 at **1 p.m. (MST) on Monday, November 22, 2021** by videoconference. The parties will be permitted to participate in the ballot count by videoconference. A meeting invitation for the videoconference will be sent to the parties' representatives before the count. No party may make a video or audio recording or save any image of the ballot count.

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

If any eligible voter does not receive a mail ballot by **November 4, 2021**, or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 27 office immediately in order to arrange for a mail ballot kit to be sent to that employee.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and, if the Regional Director deems it advisable, the manner of election.

Initials: KKA

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time production, maintenance, and warehouse employees employed by the Employer at its Aurora, Colorado location, including prep, kitting, assembly workers, Team Leads, runners, trainers, Quality Assurance Workers, inventory clerks, receiving clerks, sanitation workers, forklift drivers, machine operators, shipping, maintenance, production, safety coordinators, and sticker at its Aurora, Colorado facility.

Excluded: All Chefs and Chef Assistants, office clerical employees, temporary employees, professional employees, confidential employees, guards, managers, and supervisors, as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending September 26, 2021**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The parties agree that the ballot will be only printed in English.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by UNITE HERE Local 23, AFL-CIO?" The choices on the ballot will be "Yes" or "No".

Initials: KKK

8. NOTICE OF ELECTION. The parties agree that the Notice of Election should be only printed in English, Burmese, French, Spanish, Somali, and Arabic. The Employer must post copies of the Notices of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notices of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notices of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative:

Dawn Gaschler
16304 E. 32nd Ave., Aurora, CO 80011
Phone: 720-552-8059
Email: dawn.gaschler@greenchef.com

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Because this election will be conducted by mail, each party may select an equal number of authorized observers for the purposes of identification, to challenge the eligibility of voters, and to verify the tally. Since the mail ballots will have already been marked at the time of receipt, the Employer may designate supervisory employees as observers and the Petitioner may designate union officials.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**Grocery Delivery E-Services USA, Inc.
d/b/a Hello Fresh/Green Chef**

(Employer)

By:

(Signature)

(Date)

Print Name:

UNITE HERE Local 23, AFL-CIO

(Petitioner)

By:



(Signature)

9/30/21

(Date)

Print Name:

Kevin K. Abels

Recommended: Stephanie Stroup Scaffidi 9/30/21
STEPHANIE STROUP SCAFFIDI, Field
Examiner (Date)

Date approved: 9/30/2021

/s/ Paula Sawyer

Regional Director, Region 27
National Labor Relations Board



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 1:00 p.m. (MDT) on Thursday, October 28, 2021, ballots will be mailed to voters from the National Labor Relations Board, Region 27, Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Thursday, November 4, 2021, should communicate immediately with the National Labor Relations Board by either calling the Region 27 Office at (303)844-3551 or our national toll-free line at 1-844- 762-NLRB (1-844-762-6572).

All ballots will be commingled and counted at the Region 27 Office on Monday, November 22, 2021 at 1:00 p.m. (MST). In order to be valid and counted, the returned ballots must be received in the Region 27 Office prior to the counting of the ballots.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Included: All full-time and regular part-time production, maintenance, and warehouse employees employed by the Employer at its Aurora, Colorado location, including prep, kitting, assembly workers, Team Leads, runners, trainers, Quality Assurance Workers, inventory clerks, receiving clerks, sanitation workers, forklift drivers, machine operators, shipping, maintenance, production, safety coordinators, and sticker at its Aurora, Colorado facility, who were employed by the Employer during the payroll period ending September 26, 2021.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Excluded: All Chefs and Chef Assistants, office clerical employees, temporary employees, professional employees, confidential employees, guards, managers, and supervisors, as defined in the Act.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



**UNITED STATES OF AMERICA
National Labor Relations Board**

27-RC-282916

OFFICIAL SECRET BALLOT

For certain employees of

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

Do you wish to be represented for purposes of collective bargaining by
UNITE HERE LOCAL 23, AFL-CIO?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (303)844-3551 or visit the NLRB website www.nlr.gov for assistance.



National Labor Relations Board des États-Unis d'Amérique **AVIS D'ÉLECTIONS**



INSTRUCTIONS AUX EMPLOYÉS VOTANT PAR COURRIER AUX ÉTATS-UNIS

OBJECTIFS DES ÉLECTIONS : Cette élection vise à déterminer le représentant, s'il existe, choisi par les employés éligibles dans les négociations collectives avec leur employeur. (Consultez la partie **UNITÉ VOTANTE** de cet avis d'élections pour avoir une description des employés éligibles.) Une majorité de bulletins de vote valides déterminera les résultats des élections. Une seule élection de représentation valide peut se tenir sur une période de 12 mois.

BULLETIN SECRET : L'élection s'effectuera par bulletin secret acheminé par courrier postal des États-Unis sous la supervision du Directeur régional du National Labor Relations Board (NLRB). Un échantillon de bulletin officiel est présenté sur la page suivante de cet avis. Les votants auront la possibilité de voter sans ingérence, retenue ni contrainte. Les employés éligibles au vote recevront par courrier les *Instructions aux employés votant par courrier aux États-Unis*, un bulletin, une enveloppe bleue et une enveloppe jaune libellée à leur adresse ne demandant aucun affranchissement.

RÈGLES D'ÉLIGIBILITÉ : Les employés éligibles à voter sont ceux décrits à la page suivante au paragraphe **UNITÉ VOTANTE** et comprennent les employés qui n'ont pas travaillé pendant les périodes salariées spécifiées en raison de maladie, de congés ou de renvoi temporaire. Les employés qui ont démissionné ou ont été renvoyés pour faute depuis la période salariée spécifiée et qui n'ont pas été ré-engagés ni réhabilités avant la date de cette élection sont inéligibles au vote.

CONTESTATION DE VOTANTS : Un agent du NLRB ou un observateur autorisé peut contester l'éligibilité d'un votant. Une telle contestation doit être faite au moment du décompte des bulletins.

OBSERVATEURS AUTORISÉS : Chaque partie peut désigner un nombre égal d'observateurs, ce nombre est à déterminer par le NLRB. Ces observateurs peuvent (a) agir comme vérificateurs au comptage des bulletins ; (b) aider à identifier les votants ; (c) contester les votants et les bulletins et (d) aider le NLRB de façon quelconque.

MÉTHODE ET DATE DES ÉLECTIONS : L'élection sera effectuée par courrier aux États-Unis. Les bulletins de vote seront envoyés aux employés salariés dans l'unité concernée par les négociations collectives. À 13h00 (MDT ou heure avancée de Rocheuses) jeudi 28 octobre 2021, les bulletins seront envoyés par la poste aux votants National Labor Relations Board, Région 27, Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294. Les votants doivent signer à l'extérieur de l'enveloppe dans laquelle le bulletin est renvoyé. Tout bulletin reçu dans une enveloppe non signée sera automatiquement annulé.



**National Labor Relations Board
des États-Unis d'Amérique
AVIS D'ÉLECTIONS**



Les employés s'estimant éligibles à voter et n'ayant pas reçu de bulletin par courrier postal en date du jeudi 4 novembre 2021 doivent contacter immédiatement le National Labor Relations Board soit en appelant le Bureau de la Région 27 au (303)844-3551 soit en composant notre numéro national et gratuit 1-844- 762-NLRB (1-844- 762-6572).

Tous les bulletins seront combinés et comptés au bureau régional 27 d'ici le Jeudi 22 novembre, à 13h00 (MDT ou heure avancée de Rocheuses). Afin d'être valables et comptés, les bulletins renvoyés doivent être reçus au bureau régional 27 avant le décompte des bulletins.



**National Labor Relations Board
des États-Unis d'Amérique
AVIS D'ÉLECTIONS**



INSTRUCTIONS AUX EMPLOYÉS VOTANT PAR COURRIER AUX ÉTATS-UNIS

UNITÉ VOTANTE

EMPLOYÉS ÉLIGIBLES À VOTER :

Inclus : tous les employés d'entrepôt, de production et de maintenance à temps plein ou à temps partiel régulier salariés de l'employeur sur son site à Aurora, Colorado, notamment les ouvriers de montage, d'assemblage, de préparation, les responsables d'équipes, les meneurs, les formateurs, les collaborateurs d'assurance qualité, les commis d'inventaire, les commis de réception, les agents d'assainissement, les conducteurs de chariots élévateurs, les opérateurs de machine, les coordinateurs d'expédition, de maintenance, de production, de sécurité et colleurs sur son site à Aurora, Colorado, qui ont été employés par l'employeur pendant la période de paye prenant fin au 26 septembre 2021.

EMPLOYÉS INÉLIGIBLES À VOTER :

Exclus : tous les chefs et chefs-assistants, les employés administratifs de bureau, les employés temporaires, les employés professionnels, les employés à fonction confidentielle, les gardiens, les directeurs et superviseurs, tels que définis par la Loi.

AVERTISSEMENT : Ceci constitue le seul avis officiel de ces élections et ne doit pas être dégradé par qui que ce soit. Toute annotation que vous constatez sur un bulletin de vote ou où que ce soit sur cet avis a été faite par une personne étrangère au National Labor Relations Board et n'a pas été inscrite par le National Labor Relations Board. Le NLRB est une agence du gouvernement des États-Unis qui ne soutient aucun choix dans une élection.



**National Labor Relations Board
des États-Unis d'Amérique
AVIS D'ÉLECTIONS**



L'exemple de bulletin imprimé dans cette notice apparaît en français et est une traduction du bulletin que vous recevrez pour l'élection. Toutefois, le bulletin que vous recevrez pour l'élection sera rédigé en anglais.



ETATS-UNIS D'AMERIQUE
National Labor Relations Board
27-RC-282916



BULLETIN SECRET OFFICIEL

Pour certains employés de
GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

Souhaitez-vous être représenté dans le cas de négociation collective par

UNITE HERE LOCAL 23, AFL-CIO?

INSCRIVEZ UN « X » DANS LA CASE DE VOTRE CHOIX

OUI
YES

☐

NON
NO

☐

NE SIGNEZ PAS, N'INDIQUEZ PAS VOTRE NOM ET N'AJOUTEZ AUCUNE ANNOTATION PERMETTANT DE VOUS IDENTIFIER. APPOSEZ UNIQUEMENT UN « X » DANS LA CASE DE VOTRE CHOIX.

Si vous avez apposé des annotations, autrement que dans l'un des carrés prévus à cet effet, sur le bulletin de vote, quel que soit l'emplacement, vous pouvez demander un nouveau bulletin de vote en vous référant aux instructions ci-jointes. Si vous transmettez un bulletin de vote sur lequel figurent des annotations, autrement que dans l'un des carrés prévus à cet effet, quel que soit l'emplacement, votre bulletin de vote ne sera pas comptabilisé.

Le National Labor Relations Board ne cautionne aucun choix dans cette élection. Toute annotation figurant sur les échantillons de bulletin de vote n'est en aucun cas l'œuvre du National Labor Relations Board.



National Labor Relations Board des États-Unis d'Amérique **AVIS D'ÉLECTIONS**



INSTRUCTIONS AUX EMPLOYÉS VOTANT PAR COURRIER AUX ÉTATS-UNIS

DROIT DES EMPLOYÉS – LES LOIS FÉDÉRALES VOUS DONNENT LE DROIT DE :

- Constituer, rejoindre ou aider un syndicat
- Choisir des représentants pour négocier avec votre employeur en votre nom
- Agir conjointement avec d'autres employés pour votre bénéfice et protection
- Choisir de ne participer à aucune de ces activités protégées
- Dans un État où de tels accords sont autorisés, le syndicat et l'employeur peuvent établir un accord légal de protection syndicale requérant que les employés paient des échéances périodiques et des frais initiaux. Les personnes qui ne sont pas membres informant le syndicat qu'elles s'opposent à l'utilisation de leurs contributions financières à des fins autres que leur représentation peuvent devoir payer seulement leur part des frais du syndicat liés aux activités de représentation (par ex. les négociations collectives, la gestion des contrats et le règlement des conflits).

Le National Labor Relations Board a la responsabilité de protéger les employés dans l'exercice de ces droits.

Le NLRB souhaite de tous les votants éligibles soient totalement informés de leurs droits dans le cadre des lois fédérales et veut que les employeurs et les syndicats sachent ce qu'on attend d'eux lors de la tenue d'une élection.

Si les agents d'une quelconque partie se comportent d'une façon qui contrarie votre droit à une élection libre, juste et honnête, cette élection peut être bloquée par le NLRB. Le cas échéant, le NLRB fournit d'autres recours, tels que la réhabilitation des employés renvoyés pour avoir exercé leurs droits, y compris le rappel de salaire de la partie responsable de leur renvoi.

La liste suivante donne des exemples d'actions contrariant les droits des employés et pouvant entraîner le blocage des élections :

- Menace de perte d'emploi ou des avantages par un employeur ou un syndicat
- Promesse ou attribution de promotions, d'augmentations de salaire ou autres avantages pour influencer le vote d'un employé par une partie capable d'appliquer de telles promesses
- Un employeur renvoyant des employés pour les dissuader ou les encourager à une action syndicale ou un syndicat provoquant leur renvoi pour encourager l'action syndicale
- Tenue de discours de campagne à des groupes d'employés pendant les horaires de travail, quand la présence est obligatoire, dans les 24 heures précédant la première ouverture du scrutin ou l'envoi des bulletins par courrier
- Incitation par un employeur ou un syndicat à une ségrégation raciale ou religieuse par des appels d'incitation
- Menace de violence physique ou de brutalité aux employés par un syndicat ou un employeur pour influencer leurs votes

Le National Labor Relations Board protège votre droit au libre arbitre.

Aucun comportement inadéquat ne sera toléré. Toutes les parties sont tenues de coopérer pleinement avec cette Agence pour assurer les principes de base d'une élection juste, telle que la loi l'impose.

Toute personne souhaitant poser une question concernant cette élection peut contacter le bureau du NLRB par téléphone au (303)844-3551 ou consulter le site Web du NLRB à l'adresse www.nlr.gov pour assistance.

AVERTISSEMENT : Ceci constitue le seul avis officiel de ces élections et ne doit pas être dégradé par qui que ce soit. Toute annotation que vous constatez sur un bulletin de vote ou où que ce soit sur cet avis a été faite par une personne étrangère au National Labor Relations Board et n'a pas été inscrite par le National Labor Relations Board. Le NLRB est une agence du gouvernement des États-Unis qui ne soutient aucun choix dans une élection.



Gobolada Midoobay ee Ameerika Guddida Xidhiidhka Shaqaalaha Qaranka OGAYSIISKA DOORASHADA



TILMAAMAHA KU SOCDA SHAQAALAHA KU CODAYNAHA BOOSTA MARAYKANKA

UJEEDADA DOORASHADA: Doorashadan waa in la go'aamiy wakiilka, hadduu jiro, ay doonayaan shaqaalaha mutaystay iyada oo ujeedadu tahay gorgortan midaysan oo ay la sameeyaan loo-shaqeeyahooga. (Fiiri QAYBTA CODAYNTA Ogaysiiskan Doorashada ee sharraaadda shaqaalaha mutaystay.) Inta badan codadka la dhiibtay ee saxda ah ayaa go'aamin doona natiijooyinka doorashada. Kaliya hal doorasho oo wakiilnimo ayey dhici kartaa in la qabto 12-kii biloodba mar.

WARAAQAHA CODBIXINTA SIRT: Doorashadu waxay noqon doontaa codbixin sir ah oo laga sameeyo boosta Maraykanka iyada oo uu kormeerayo Agaasime Goboleedka Guddida Xidhiidhka Shaqaalaha Qaranka. Muunad ah warqadda codbixinta ee rasmiga ah ayaa ka muuqata bogga xiga ee Ogaysiiskan. Codbixiyayaasha waxa loo oggolaan doonaa inay codeeyaan bilaa farogalin, diidmo, ama khasbid. Shaqaalaha mutaystay inay codeeyaan waxay ka heli doonaan boosta *Tilmaamaha ku socda Shaqaalaha ku Codaynaya Boosta Maraykanka*, waraaq codbixin, gal-waraaqeed buluug ah, iyo gal-waraaqeed cinwaanka laga soo diray ku qoran yahay oo jaalle ah oon u baahnayn wax boos ku diris ah.

XEERARKA MUTAYSIGA: Shaqaalaha mutaystay inay codeeyaan waa kuwa lagu sharxay hoosta QAYBTA CODAYNTA ee bogga xiga kuna jirto shaqaalaha aan shaqayn xilli mushahareedka loogu talagalay sababtoo ah iyaga oo xanuusanayey ama fasax kujiray ama si kumeel gaadh ah loo fadhiisiyey. Shaqaalaha ka tagay ama laga eryey shaqada sabab darteed ilaa wakhti mushahareedkii kuwaasi oon dib loo qaadan ama shaqadooda lagu soo celin kahor taariikhda doorashadan ma mutaysan inay codeeyaan doorashadan.

LOOLANKA GALINTA CODBIXIYAYAASHA: Wakiil Guddida ah ama korjooge sharci ah ayey dhici kartaa inuu su'aalo mutaysiga codbixiyaha. Loolankan waa in la sameeyo wakhtiga waraaqaha codbixinta la tirinayo.

KORMEERAYAASHA SHARCIGA AH: Dhinac kasta waxa dhici karta in loo xilsaaro tiro isku mid ah oo korjoogaal ah, tiradan waxa go'aamiya Guddida Xidhiidhka Shaqaalaha Qaranka (NLRB). Korjoogayaashan (a) waxay yihiin hubiyayaal tirinta waraaqaha codbixinta; (b) kaalmaynta aqoonsiga codbixiyayaasha; (c) loolan galinta codbixiyayaasha iyo waraaqaha codbixinta; iyo (d) Kaalmaynta NLRB.

HABKA IYO TAARIIKHDA DOORASHADA: Doorashada waxa la samayn doonaa boosta Maraykanka. Waraaqaha codbixinta boosta waxa loo diri doonaa shaqaalaha ka shaqeeya qaybta habboon ee gorgortanka wadajira. Marka la joogo Saacadda 1:00 galabnimo (MDT) maalinta Khamiista, Oktoobar 28, 2021, waraaqaha codbixinta waxa loo diri doonaa codbixiyayaasha ka socda Guddida Xidhiidhka Shaqaalaha Qaranka, Gobolka 27, Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294. Codbixiyayaashu waa inay saxeexaan dusha gal-waraaqeedka kaasi oo warqadda codbixinta lagu soo celinayo. Wixii waraaq codbixin la helay iyada oo gal-waraaqeed kujirta taasi oon saxeexnayn si otomaatig ah ayaa la tuuraya.

DIGNIIN: Kani waa ogaysiiska rasmiga ah ee kaliya ee doorashadan waana inayna cidna wax ku qorin. Wixii calaamad aad ku dul arki karto muunadda waraaqada codbixinta ama meel kamidah ogaysiiskan waxa sameeyey cid aan ahayn Guddida Xidhiidhka Shaqaalaha Qaranka, mana ay soo dhigin halkaas Guddida Xidhiidhka Shaqaalaha Qaranka. Guddida Xidhiidhka Shaqaalaha Qaranka waa hay'ad ka tirsan Dawladda Maraykanka, ma taageerto kala doorashada doorashada.



**Gobolada Midoobay ee Ameerika
Guddida Xidhiidhka Shaqaalaha Qaranka
OGAYSIISKA DOORASHADA**



Shaqaalaha u arka in ay u qalmaan codbixinta ee aanan warqad codbixin ku helin boostada kama dambays Khamiista, Noofembar 4, 2021, waa in ay islamarkaaba la xiriiraan Guddiga Xiriirrada Shaqaalaha ee Qaran (National Labor Relations Board) iyagoo ama Xafiiska Gobolka 27 (Region 27 Office) ka wacaya lambarka (303)844-3551 ama khadkayaga qaran ee bilaashka ah ee 1-844- 762-NLRB (1-844- 762-6572).

Dhammaan waraaqaha codbixinta waxaa la iskugu dari doonaa oo lagu tirin doonaa Xafiiska Gobolka 27 maalinta Isniinta, Noofembar 22, 2021 saacadda 1:00 galabnimo (MST). Si ay sax u ahaadaan oo loo xisaabiyo, waraaqaha codbixinta ee la soo celiyo waa in lagu helo Xafiiska Gobolka 27 ka hor waqtiga tirinta waraaqaha codbixinta.

DIGNIIN: Kani waa ogaysiiska rasmiga ah ee kaliya ee doorashadan waana inayna cidna wax ku qorin. Wixii calaamad aad ku dul arki karto muunadda waraaqada codbixinta ama meel kamidah ogaysiiskan waxa sameeyey cid aan ahayn Guddida Xidhiidhka Shaqaalaha Qaranka, mana ay soo dhigin halkaas Guddida Xidhiidhka Shaqaalaha Qaranku. Guddida Xidhiidhka Shaqaalaha Qaranku waa hay'ad ka tirsan Dawladda Maraykanka, ma taageerto kala doorashada doorashada.



**Gobolada Midoobay ee Ameerika
Guddida Xidhiidhka Shaqaalaha Qaranka
OGAYSIISKA DOORASHADA**



TILMAAMAHA KU SOCDA SHAQAALAHADA KU CODAYNAHA BOOSTA MARAYKANKA

CUNTUBKA CODBIXINTA

SHAQAALAHADA U QALMA IN AY CODBIXIYAAN:

Waxaa ku jira: Dhammaan shaqaalaha waqti buuxa iyo saacado kooban oo joogta ah ee soo saarista, dayactirka, iyo bakhaarka ee Loo-shaqeeyaha uga shaqeeya goobta Aurora, Colorado, xataa shaqaalaha diyaarinta, rakibidda, isku geynta, Hoggaamiyeyaasha Kooxeed, adeegeyaasha wax loo dirto, tababbareyaasha, Shaqaalaha Hubinta Tayada, garraaniyada alaab tirinta, garraaniyada qaabilaadda, shaqaalaha nadaafadda, darawallada gawaarida wiishka leh, wadeyaasha mashiinnada, shixnadda ama xammuulka, dayactirka, soo saarista, isuduweyaasha badbaadada, iyo qofka mashiin wax geliya ama ka saara (sticker) ee uga shaqeeya xarunta Aurora, Colorado, ee Loo-shaqeeyaha u shaqaynayey muddadii mushaarka ee ku dhammaatay maalintii Setembar 26, 2021.

SHAQAALAHADA AANAN U QALMIN IN AY CODBIXIYAAN:

Waxaa ka reeban: Dhammaan Dabbaakhyada ama kariyeyaasha iyo Kaaliyeyaasha Dabbaakha, shaqaalaha garraaniga xafiiska, shaqaalaha ku meelgaarka ah, shaqaalaha xirfadleyaasha ah, shaqaalaha qarsoodiga ah, waardiyeaasha, maamuleyaasha, iyo maareeyaasha, sida loogu qeexay Sharciga.

DIGNIIN: Kani waa ogaysiiska rasmiga ah ee kaliya ee doorashadan waana inayna cidna wax ku qorin. Wixii calaamad aad ku dul arki karto muunadda waraaqada codbixinta ama meel kamidah ogaysiiskan waxa sameeyey cid aan ahayn Guddida Xidhiidhka Shaqaalaha Qaranka, mana ay soo dhigin halkaas Guddida Xidhiidhka Shaqaalaha Qaranka. Guddida Xidhiidhka Shaqaalaha Qaranka waa hay'ad ka tirsan Dawladda Maraykanka, ma taageerto kala doorashada doorashada.



**Gobolada Midoobay ee Ameerika
Guddida Xidhiidhka Shaqaalaha Qaranka
OGAYSIISKA DOORASHADA**



Warqadda codbixinta ee tusaalaha ah ee dib loogu soo saaray ogaysiintan waxay ku qoran tahay af Soomaali waana turjumaadda warqadda codbixinta ee aad ku heli doonto doorashada. Hase yeeshee, warqadda codbixinta ee aad ku hesho doorashada waxaa lagu daabici doonaa af Ingiriisi.



WADDANKA MARAYKANKA
Guddiga Xiriirrada Shaqaalaha ee Qaran
27-RC-282916



CODBIXIN SIR RASMI AH

Loogu talagalay qaar ka mid ah shaqaalaha

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

Miyaad adigu rabtaa in ujeeddada gorgortanka wadajirka ah aad wakiil uga dhigato

UNITE HERE LOCAL 23, AFL-CIO?

KU CALAAMADEE "X" AFARGEESLAHA AAD DOORATO

**HAA
YES**

☐

**MAYA
NO**

☐

**HA SAXIIXIIN OO HA KU QORIN MAGACAAGA OO HA KU DARIN CALAAMADO KALE OO SHAACINAYA AQOONSIGAAGA
AMA CIDDA AAD TAHAY. KU CALAAMADEE KELIYA "X" AFARGEESLAHA AAD DOORATO.**

Haddii aad calaamado ku samayso gudaha, ama meel hareeraha ah, in ka badan hal afargeesle, waxaad codsan kartaa warqad codbixin cusub adigoo raacaya tilmaamaha warqaddan la socda. Haddii aad dirto warqad codbixin calaamado ku leh gudaha, ama meel hareeraha ah, in ka badan hal afargeesle, lama xisaabin doono warqaddaada codbixinta.

Guddiga Xiriirrada Shaqaalaha ee Qaran ma taageersana xulasho ku diyaar ah doorashadan. Calaamadaha aad ku aragto warqad codbixin oo tusaale ah ma aha kuwo ay halkaas ku dhigeen Guddiga Xiriirrada Shaqaalaha ee Qaran.

DIGNIIN: Kani waa ogaysiiska rasmiga ah ee kaliya ee doorashadan waana inayna cidna wax ku qorin. Wixii calaamad aad ku dul arki karto muunadda waraaqada codbixinta ama meel kamidah ogaysiiskan waxa sameeyey cid aan ahayn Guddida Xidhiidhka Shaqaalaha Qaranka, mana ay soo dhigin halkaas Guddida Xidhiidhka Shaqaalaha Qaranku. Guddida Xidhiidhka Shaqaalaha Qaranku waa hay'ad ka tirsan Dawladda Maraykanka, ma taageerto kala doorashada doorashada.



Gobolada Midoobay ee Ameerika Guddida Xidhiidhka Shaqaalaha Qaranka OGAYSIISKA DOORASHADA



TILMAAMAHA KU SOCDA SHAQAALAHADA KU CODAYNAHA BOOSTA MARAYKANKA

XUQUUQDA SHAQAALAHADA – SHURUUCDA FADARAALKU WAXAY KU SIINAYAAN XAQA INAAD:

- Samayso, ku biirto, ama kaalmayso urur shaqaale
- Doorato wakiiladaada si ay ula gorgortamaan loo-shaqeeyahaaga iyaga oo ku matalaya
- Iska kaashataan shaqaalaha kale faa'iidadiina iyo ilaalintiina
- Doorato inaanad kaqayb noqon wax kamid ah hawlahaan la ilaaliyey
- Gobolka heshiisyadan la oggol yahay, Ururka Shaqaalaha iyo Loo-shaqeeyuhu waxa dhici karta inay galaan heshiis sharci ah ee ammaanka ururka shaqaalaha oo dhigaya shaqaaluhu inay bixiyaan lacagaha wakhtiga kusalaysan iyo ajuurada bilaabidda. Dadka aan xubnaha ka ahayn ee ku wargliya Ururka Shaqaalaha inay diidayaana u isticmaalka lacagaha ay bixiyaan ujeedooyin matalis la'aan waxa looga baahan karaa inay kaliya bixiyaan saamigooda kharashyada Ururka Shaqaalaha ee hawlaha matalaadeed (sida gorgortanka wadajira, maamulka heshiiska, iyo sixitaanka ashkatada).

Waa masuuliyadda Guddida Xidhiidhka Shaqaalaha Qaranka inay ilaaliyaan shaqaalaha isticmaalka xuquuqahan.

Guddidu waxay rabaan dhammaan codbixiyayaasha mutaystay in si buuxda loogu wargeliyo xuquuqdooda uu siinayo sharciga Fadaraalku waxayna rabaan Loo-shaqeeyayaasha iyo Ururrada Shaqaaluhu inay bartaan waxa laga filayo marka doorasho la qabanayo.

Haddii wakiilada mid ahaan Ururada Shaqaalaha ama Loo-shaqeeyayaashu ay farogaliyaan xaqaaga doorasho xor, xalaal, iyo daacad ah Guddidu waxay hakin kartaa doorashada. Marka ay habboon tahay, Guddidu waxay bixisaa xalal kale, sida shaqo ku soo celinta shaqaalaha la eryey iyagoo xaqooga raba, oo ay kujiraan in looga qaado lacagaha ka baaqday dhinaca ka masuul ahaa in la eryo.

Waxa soo socdaa waa tusaalayaasha habdhaqanka farogalinaya xuquuqda shaqaalaha keenina kara hakinta doorashada:

- Loo-shaqeeyaha ama Ururka Shaqaale oo ku hanjaba waayista shaqada ama dheefaha
- Cid awoodda inay fuliso ballanqaadyada oo u ballanqaadda ama oggolaata dallacsiinaha, mushahar kordhinta, ama dheefaha kale, si loo saameeyo codbixinta shaqaalaha
- Loo-shaqeeye erayaya shaqaale si loo niyadjabiyo ama loo dhiirigaliyo hawlaha ururka shaqaalaha ama Ururka Shaqaalaha oo ku keenaysa in la eryo si loo dhiirigaliyo hawsha ururka shaqaalaha
- Samayn hadallo olole ee kooxo isku ururo oo shaqaale ah ee wakhtiga shaqada, halkaasi oo imaanshuhu uu waajib yahay, muddo 24 saacadood gudahood ah kahor wakhtiga doorashadu furmayso ama waraaqaha codbixinta ee boosta la qaybiyo
- Kicinta mid ahaan loo-shaqeeye ama urur shaqaale ee nacayb qoomiyadeed ama diimeed ee inay rabshad bilaabanto
- Ugu hanjabista xoog ama xadgudub shaqaalaha ee Urur Shaqaale ama Loo-shaqeeye si uu u saameeyo codbixintooda

Guddida Xidhiidhka Shaqaalaha Qaranku waxay ilaalisaa xaqaaga doorasho xor ah.

Habdhaqan aan sax ahayn la oggolaan maayo. Dhinacyada oo dhan waxa laga filayaa inay si buuxda ugala shaqeeyaan Hay'addan joogtaynta mabaadii'da doorasho xalaal ah sida sharcigu dhigayo.

Qofka su'aal ka qaba doorashada ayaa Xafiiska guddiga NLRB kala xiriiri karaa lambarka (303)844-3551 ama booqan kara barta internetka guddiga NLRB www.nlrb.gov si uu gargaar u helo.

DIGNIIN: Kani waa ogaysiiska rasmiga ah ee kaliya ee doorashadan waana inayna cidna wax ku qorin. Wixii calaamad aad ku dul arki karto muunadda waraaqada codbixinta ama meel kamid ah ogaysiiskan waxa sameeyey cid aan ahayn Guddida Xidhiidhka Shaqaalaha Qaranka, mana ay soo dhigin halkaas Guddida Xidhiidhka Shaqaalaha Qaranku. Guddida Xidhiidhka Shaqaalaha Qaranku waa hay'ad ka tirsan Dawladda Maraykanka, ma taageerto kala doorashada doorashada.



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لعلاقات العمل
إشعار الانتخاب



الغرض من الانتخابات: تهدف هذه الانتخابات إلى تحديد الممثل، إن وجد، الذي يرغب فيه الموظفون المؤهلون لأغراض التفاوض الجماعي مع صاحب العمل. (انظر وحدة التصويت في إشعار الانتخاب هذا للحصول على وصف للموظفين المؤهلين.) ستحدد غالبية بطاقات الاقتراع الصحيحة نتائج الانتخابات. يجوز إجراء انتخابات تمثيلية واحدة صالحة في فترة 12 شهرًا.

الاقتراع السري: سيتم إجراء الانتخابات بالاقتراع السري عبر البريد الأمريكي تحت إشراف المدير الإقليمي للمجلس الوطني لعلاقات العمل (NLRB). تظهر عينة من الاقتراع الرسمي في الصفحة التالية من هذا الإشعار. سيسمح للناخبين بالتصويت دون تدخل أو ضبط أو إكراه. سيتلقى الموظفون المؤهلون للتصويت في البريد تعليمات إلى الموظفين الذين يصوتون عن طريق بريد الولايات المتحدة وبطاقة اقتراع ومغلف أزرق ومغلف أصفر معنون ذاتيًا لا يحتاج إلى طابع بريدي.

قواعد الأهلية: الموظفون المؤهلون للتصويت هم أولئك الموصوفون في وحدة التصويت في الصفحة التالية ويشمل ذلك الموظفين الذين لم يعملوا خلال فترة الرواتب المحددة لأنهم كانوا مرضى أو في إجازة أو تم تسريحهم بشكل مؤقت. الموظفون الذين استقالوا أو تم تسريحهم لسبب ما منذ فترة الرواتب المحددة والذين لم يتم إعادة توظيفهم أو إعادتهم قبل تاريخ هذه الانتخابات ليسوا مؤهلين للتصويت.

طعون الناخبين: يجوز لممثل مجلس الإدارة أو مراقب مفوض التشكيك في أهلية الناخب. يجب أن يتم هذا الطعن في الوقت الذي يتم فيه فرز الأصوات.

المراقبون المعتمدون: يجوز لكل طرف تعيين عدد متساوٍ من المراقبين، على أن يتم تحديد هذا العدد من قبل NLRB هؤلاء المراقبون (أ) يعملون كمدققين عند فرز بطاقات الاقتراع؛ (ب) المساعدة في تحديد هوية الناخبين؛ (ج) الاعتراض على الناخبين والتصويت؛ و (د) مساعدة NLRB بطريقة أخرى.

طريقة وتاريخ الاقتراع

سيتم إجراء الانتخابات عن طريق بريد الولايات المتحدة. سيتم إرسال بطاقات الاقتراع بالبريد إلى الموظفين العاملين في وحدة المفاوضة الجماعية المناسبة. في الساعة 1:00 مساءً (MDT) من يوم الخميس، 28 أكتوبر 2021، سيتم إرسال بطاقات الاقتراع بالبريد إلى الناخبين من المجلس الوطني لعلاقات العمل، المنطقة 27، Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294. يجب على الناخبين التوقيع الذي يتم اعاده بطاقة الاقتراع فيه. أي بطاقة اقتراع يتم استلامها في مطروف لم يتم توقيعه ستُلغى تلقائيًا.

يجب على هؤلاء الموظفين الذين يعتقدون أنهم مؤهلون للتصويت ولم يتلقوا بطاقة اقتراع بالبريد بحلول يوم الخميس 4 نوفمبر 2021، التواصل على الفور مع المجلس الوطني لعلاقات العمل إما بالاتصال بمكتب المنطقة 27 على 844-3551 (303) أو الخط الوطني المجاني على الرقم 1-844-762-NLRB (1-844-762-6572).

سيتم خلط جميع بطاقات الاقتراع وفرزها في مكتب المنطقة 27 يوم الاثنين 22 نوفمبر 2021، الساعة 1:00 مساءً (MST). من أجل أن تكون صحيحة ومحسوبة، يجب استلام بطاقات الاقتراع المعادة في مكتب المنطقة 27 قبل فرز الأصوات.

تحذير: هذا هو الإشعار الرسمي الوحيد لهذه الانتخابات ويجب عدم تشويهه من قبل أي شخص. أي علامات قد تراها في أي نموذج من بطاقة اقتراع أو في أي مكان في هذا الإشعار تم وضعها بواسطة شخص آخر غير المجلس الوطني لعلاقات العمل ولم يضعها المجلس الوطني لعلاقات العمل هناك. المجلس الوطني لعلاقات العمل وكالة تابعة لحكومة الولايات المتحدة ولا يؤدي أي خيار في الانتخابات



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وحدة التصويت

الموظفون المؤهلون للتصويت:

المشمولون: جميع موظفي الإنتاج والصيانة والمخازن بدوام كامل ومنتظم بدوام جزئي الذين يوظفهم صاحب العمل في موقعه في أورورا، كولورادو، بما في ذلك عمال الإعداد والتجهيز وعمال التجميع وقادة الفريق والعدائين والمدربين وعمال ضمان الجودة وكتبة المخزون وكتبة الاستلام وعمال الصرف الصحي وسائقي الرافعات الشوكية ومشغلي الآلات والشحن والصيانة والإنتاج ومنسقي السلامة والملصق في منشأة أورورا، كولورادو، الذين تم توظيفهم من قبل صاحب العمل خلال فترة الرواتب المنتهية في 26 سبتمبر 2021.

الموظفون غير المؤهلين للتصويت:

المستثنون: جميع الطهارة ومساعدى الشيف وموظفي المكاتب والموظفين المؤقتين والموظفين المحترفين والموظفين السريين والحراس والمديرين والمشرفين، على النحو المحدد في القانون.

تحذير: هذا هو الإشعار الرسمي الوحيد لهذه الانتخابات ويجب عدم تشويبه من قبل أي شخص. أي علامات قد تراها في أي نموذج من بطاقة اقتراع أو في أي مكان في هذا الإشعار تم وضعها بواسطة شخص آخر غير المجلس الوطني لعلاقات العمل ولم يضعها المجلس الوطني لعلاقات العمل هناك. المجلس الوطني لعلاقات العمل وكالة تابعة لحكومة الولايات المتحدة ولا يؤيد أي خيار في الانتخابات



United States of America
National Labor Relations Board
NOTICE OF ELECTION



يظهر نموذج الاقتراع المستنسخ في هذا الإشعار باللغة العربية وهو ترجمة لبطاقة الاقتراع التي ستلقاها في الانتخابات. ومع ذلك، سيتم طباعة بطاقة الاقتراع التي ستلقاها في الانتخابات باللغة الإنجليزية.



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بطاقة اقتراع سرية رسمية
لبعض موظفي

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

هل ترغب في أن يتم تمثيلك لأغراض المفاوضة الجماعية من قبل

UNITE HERE LOCAL 23, AFL-CIO ?

ضع علامة "X" في المربع الذي تختاره

نعم
Yes

☐

لا
No

☐

لا توقع على اسمك أو تكتبه ولا تُدرج أي علامات أخرى قد تكون كذلك
كشفت هويتك. ضع علامة "X" في المربع الذي تختاره فقط. إذا أنت
قم بعمل علامات داخل أو في أي مكان حول أكثر من مربع واحد، يمكنك طلب بطاقة اقتراع جديدة
بالرجوع إلى التعليمات المرفقة. إذا قدمت بطاقة اقتراع بداخلها علامات،
أو في أي مكان آخر، أكثر من مربع واحد، لن يتم احتساب بطاقة اقتراعتك.
لا يؤيد المجلس الوطني لعلاقات العمل أي خيار في هذه الانتخابات. أي علامات قد تراها على أي عينة اقتراع لم يتم وضعها هناك
من قبل المجلس الوطني لعلاقات العمل.

تحذير: هذا هو الإشعار الرسمي الوحيد لهذه الانتخابات ويجب عدم تشويبه من قبل أي شخص. أي علامات قد تراها في أي نموذج من بطاقة اقتراع أو في أي
مكان في هذا الإشعار تم وضعها بواسطة شخص آخر غير المجلس الوطني لعلاقات العمل ولم يضعها المجلس الوطني لعلاقات العمل هناك. المجلس الوطني
لعلاقات العمل وكالة تابعة لحكومة الولايات المتحدة ولا يؤيد أي خيار في



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حقوق الموظفين - يمنحك القانون الاتحادي الحق في:

- تكوين نقابة أو الانضمام إليها أو مساعدتها
- اختيار ممثلين للمساومة مع صاحب العمل نيابة عنك
- العمل مع موظفين آخرين لمصلحتك وحمايتك
- اختيار عدم المشاركة في أي من هذه الأنشطة المحمية
- في الولايات التي يُسمح فيها بمثل هذه الاتفاقات، يجوز للنقابة وصاحب العمل الدخول في اتفاق نقابي أمني قانوني يطالب الموظفين بدفع مستحقات دورية ورسوم بدء العمل. قد يُطلب من غير الأعضاء الذين يبلغون الاتحاد بأنهم يعترضون على استخدام مدفوعاتهم لأغراض غير تمثيلية دفع حصتهم فقط من تكاليف أنشطة الاتحاد الخاصة بالأنشطة التمثيلية (مثل المفاوضات الجماعية وإدارة العقود وتسوية المطالبات).

تقع على عاتق المجلس الوطني لعلاقات العمل مسؤولية حماية الموظفين في ممارسة هذه الحقوق.

يريد المجلس أن يتم إعلام جميع الناخبين المؤهلين بشكل كامل بحقوقهم بموجب القانون الاتحادي ويريد أن يعرف كل من رب العمل والنقابات ما هو متوقع منهم عند إجراء الانتخابات.

إذا تدخل وكلاء النقابات أو أرباب العمل في حقك في انتخابات حرة ونزيهة، يمكن لمجلس الإدارة إبطال الانتخابات. عند الاقتضاء، يوفر مجلس الإدارة علاجات أخرى، مثل إعادة الموظفين الذين تم فصلهم من العمل لممارسة حقوقهم، بما في ذلك الدفع الخلفي من الطرف المسؤول عن إبراء ذمتهم.

فيما يلي أمثلة على السلوك الذي يتعارض مع حقوق الموظفين وقد يؤدي إلى إلغاء الاختيار:

- التهديد بفقدان الوظائف أو المزايا من قبل صاحب العمل أو النقابة
 - الوعد بتقديم أو منح الترفيعات أو زيادات الرواتب أو المزايا الأخرى للتأثير على تصويت الموظف من قبل طرف قادر على تنفيذ مثل هذه الوعود
 - قيام صاحب العمل بفصل الموظفين لتثبيط أو تشجيع النشاط النقابي أو النقابة مما يتسبب في طردهم لتشجيع النشاط النقابي
 - إلقاء خطابات الحملة لمجموعات مجمعة من الموظفين في وقت الشركة حيث يكون الحضور إلزاميًا، في غضون 24 ساعة قبل إرسال بطاقات الاقتراع بالبريد
 - التحريض من قبل صاحب العمل أو النقابة على التحيز العنصري أو الديني بواسطة نداءات تحريضية
 - التهديد بالقوة البدنية أو العنف ضد الموظفين من قبل نقابة أو صاحب عمل للتأثير على أصواتهم
- يحمي المجلس الوطني لعلاقات العمل حقك في الاختيار الحر. لن يسمح السلوك غير اللائق. يتوقع من جميع الأطراف أن تتعاون بشكل كامل مع هذه الوكالة في الحفاظ على المبادئ الأساسية لانتخابات نزيهة كما يقتضي القانون.

يمكن لأي شخص لديه سؤال حول الانتخابات الاتصال بمكتب NLRB على 844-3551 (303) أو زيارة موقع المجلس الوطني www.nlrb.gov للحصول على المساعدة.

تحذير: هذا هو الإشعار الرسمي الوحيد لهذه الانتخابات ويجب عدم تشويبه من قبل أي شخص. أي علامات قد تراها في أي نموذج من بطاقة اقتراع أو في أي مكان في هذا الإشعار تم وضعها بواسطة شخص آخر غير المجلس الوطني لعلاقات العمل ولم يضعها المجلس الوطني لعلاقات العمل هناك. المجلس الوطني لعلاقات العمل وكالة تابعة لحكومة الولايات المتحدة ولا يؤدي أي خيار في الانتخابات



အမေရိကန် ပြည်ထောင်စု နိုင်ငံ
အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့
ရွေးကောက်ပွဲအကြောင်းကြားစာ

ရွေးကောက်ပွဲ ၏ ရည်ရွယ်ချက်။ ။ ဤရွေးကောက်ပွဲကိုအကျုံးဝင်သောဝန်ထမ်းများက ၎င်းတို့၏ အလုပ်ရှင်ထံမှ စုပေါင်းတောင်းဆိုရန် ရည်ရွယ်ချက် ဖြင့် ၎င်းတို့လိုလားသည့် ကိုယ်စားလှယ်ကိုဆုံးဖြတ်ရန် ပြုလုပ်ပါသည်။ (အကျုံးဝင်သောဝန်ထမ်းများ ၏ ဖွင့်ဆိုချက်ကို ဤ ရွေးကောက်ပွဲအကြောင်းကြားစာ ပါ မဲထည့်နိုင်သောယူနစ် တွင် ကြည့်ပါ။) တရားဝင်သောမဲအများစု ဖြင့် ရွေးကောက်ပွဲ ၏ ရလဒ်ကိုဆုံးဖြတ်ပါလိမ့်မည်။ ၁၂-လ ကြာကာလတစ်ခုတွင် တရားဝင် ကိုယ်စားလှယ်ရွေးကောက်ပွဲကိုတစ်ကြိမ်သာကျင်းပပါလိမ့်မည်။

လျှို့ဝှက် မဲ။ ။ ရွေးကောက်ပွဲကိုအမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ (NLRB) ၏ နယ်မြေခံ ဒါရိုက်တာ ၏ ကြီးကြပ်မှုအောက်တွင် အမေရိကစာတိုက် မှတစ်ဆင့် လျှို့ဝှက် မဲ ဖြင့် လုပ်ဆောင်ပါလိမ့်မည်။ တရားဝင် မဲ ၏ နမူနာပုံစံကိုဤအကြောင်းကြားစာ၏ နောက်စာမျက်နှာတွင် ပြသထားပါသည်။ မဲပေးသူများကိုစွက်ဖက်မှု၊ တားဆီးမှု သို့မဟုတ် အကြပ်ကိုင်မှု မရှိဘဲမဲပေးခွင့်ပြုပါလိမ့်မည်။ မဲပေးရန် အကျုံးဝင်သောဝန်ထမ်းများသည် အလုပ်သမားများအမေရိကန် စာတိုက်ဖြင့် မဲပေးခြင်းအတွက် လမ်းညွှန်ချက်များမဲတစ်စောင်၊ အပြာရောင် စာအိတ် တစ်ခု နှင့် အဝါရောင် လိပ်စာပါပြီးတံဆိပ်ခေါင်းမလိုသောစာအိတ်တစ်ခုတို့ပါသောစာကိုလက်ခံရရှိပါလိမ့်မည်။

အကျုံးဝင်ခြင်းစည်းကမ်းများ။ ။ မဲပေးရန် အကျုံးဝင်သောဝန်ထမ်းများမှာနောက်စာမျက်နှာရှိမဲထည့်နိုင်သောယူနစ်အောက်တွင် ဖော်ပြထားသောသူများ ဖြစ်ပြီးသတ်မှတ် လစာပေးကာလအတွင်းတွင် နေထိုင်မကောင်းခြင်းသို့မဟုတ် အားလပ်ရက်ယူနေခြင်းသို့မဟုတ် ယာယီအလုပ်နားထားခြင်းတို့ကြောင့် အလုပ်လုပ်မနေသောဝန်ထမ်းများလည်းပါဝင်ပါသည်။ ဤရွေးကောက်ပွဲရက်စွဲမတိုင်မီထိုသတ်မှတ် လစာပေးကာလကတည်းကအလုပ်ထွက်ထားသောသူမဟုတ် အကြောင်းကြောင်းကြောင့် အလုပ်ရပ်ဆိုင်းခံထားရသောနှင့် ပြန်မခန့်အပ်ရသေးသောသူမဟုတ် ပြန်မခေါ်ရသေးသောသူများမဲပေးရန် အကျုံးမဝင်ပါ။

မဲပေးသူများကိုမေးခွန်းထုတ်ခြင်း။ ။ ဘုတ်အဖွဲ့ ၏ အေးဂျင့်တစ်ခုသို့မဟုတ် အခွင့်ရ စောင့်ကြည့်သူတစ်ယောက်သည် မဲပေးသူတစ်ယောက် ၏ အကျုံးဝင်မှုကိုမေးခွန်းထုတ်နိုင်ပါသည်။ ယင်းကဲ့သို့ မေးခွန်းထုတ်မှုကိုမဲများကိုရေတွက်သည့် အချိန်တွင် မဖြစ်မနေပြုလုပ်ရပါမည်။

အခွင့်ရ စောင့်ကြည့်သူများ။ ။ သက်ဆိုင်ရာဘက်မှ တူညီသောစောင့်ကြည့်သူအရေအတွက်ကိုခန့်အပ်နိုင်ပြီး ၎င်းအရေအတွက်ကို NLRB မှ သတ်မှတ်ပေးရပါမည်။ ယင်းစောင့်ကြည့်သူ(များ)သည် (က) မဲရေတွက်ချိန်တွင် စစ်ဆေးသူများအနေဖြင့် လုပ်ဆောင်ရပါသည်။ (ခ) မဲပေးသူကိုဖော်ထုတ်ရာတွင် ကူညီခြင်း (ဂ) မဲပေးသူများ နှင့် မဲများကိုမေးခွန်းထုတ်ခြင်း နှင့် (ဃ) NLRB ကိုတစ်နည်းနည်းဖြင့် ကူညီခြင်းတို့ကိုလုပ်ဆောင်ရပါသည်။

ရွေးကောက်ပွဲ ပြုလုပ်မည့် နည်းလမ်း နှင့် ရက်စွဲ

ရွေးကောက်ပွဲကို အမေရိကန်ပြည်ထောင်စု စာတိုက်ဖြင့် ပြုလုပ်ပါလိမ့်မည်။ မဲလက်မှတ်များကို သင့်တင့်လျောက်ပတ်သော စုဆောင်း-ဈေးဆစ် ယူနစ်တွင် ခန့်အပ်ထားသော ဝန်ထမ်းများထံသို့ စာတိုက်မှပေးပို့ပါလိမ့်မည်။ ကြာသပတေးနေ့၊ အောက်တိုဘာ ၈ ရက်၊ ၂၀၂၁၊ ညနေ ၁:၀၀ နာရီ (အမ်ဒီတီ) တွင် မဲလက်မှတ်များကို အမျိုးသား အလုပ်သမား ဆက်ဆံရေး ဘုတ်အဖွဲ့ ရီဂျင် ၂၇၊ ဘရိုင်ရွန် ရီဂျာ ဖက်ဒရယ် ရုံးအဆောက်အအုံ၊ ၁၉၆၁ စတောက်လမ်း၊ ဆွီ ၁၃-၁၀၃၊ ဒန်ဗာ၊ ဗီဒီ ၈၀၂၉၄ မှ ပေးပို့ပါလိမ့်မည်။ မဲပေးသူများသည် မဲလက်မှတ်ကို ပြန်ပို့ပေးသည့် စာအိတ်၏ အပြင်ဘက်တွင် လက်မှတ်ကို မဖြစ်မနေထိုး ရပါမည်။ စာအိတ်တွင် လက်မှတ်မထိုးထားသော လက်ခံရရှိသည့် မဲလက်မှတ်များကို အလိုအလျောက် ပယ်ဖျက်သွားပါမည်။

မိမိကိုယ်ကို မဲပေးရန် အကျုံးဝင်သည်ဟု ယုံကြည်သော ဝန်ထမ်းများအနေဖြင့် ကြာသပတေးနေ့၊ နိုဝင်ဘာလ ၄ ရက်၊ ၂၀၂၁ တွင် မဲလက်မှတ်ကို မရရှိသေးပါက ရီဂျင် ၂၇ ရုံးရှိ အမျိုးသား အလုပ်သမား ဆက်ဆံရေး ဘုတ်အဖွဲ့ထံ (၃၀၃)၈၄၄-၃၅၅၁ ထံ သို့မဟုတ် ကျွန်ုပ်တို့၏ အမျိုးသား အခမဲ့ လိုင်းဖြစ်သော ၁-၈၄၄-၇၆၂-အန်အယ်လ်အာဘီ (၁-၈၄၄-၇၆၂-၆၅၇၂) ထံသို့ ချက်ချင်းဆက်သွယ်ပေးပါ။

မဲလက်မှတ်များကို ရီဂျင် ၂၇ ရုံး တွင် တနင်္လာနေ့၊ နိုဝင်ဘာလ ၂၂ ရက်၊ ၂၀၂၁ ညနေ ၁:၀၀ နာရီ (အမ်အက်စ်တီ) တွင် သမရောမ္ဘေပြီး ရေတွက်ပါမည်။ တရားဝင်ရန် နှင့် ရေတွက်သည့်ထဲတွင် ပါဝင်ရန်အတွက် ပြန်ပို့ပေးသော မဲများကို မဲမရေတွက်မီ ရီဂျင် ၂၇ ရုံးမှ မဖြစ်မနေ လက်ခံရရှိပြီး ဖြစ်ရပါမည်။

သတိပေးချက်။ ။ ဤစာမှာဤရွေးကောက်ပွဲ၏ တစ်ခုတည်းသောတရားဝင် အကြောင်းကြားစာဖြစ်ပြီးမည်သူကမျှ ဖျောက်ဖျက်တစ်လွဲ ပြုလုပ်ခွင့်မရှိပါ။ ဤအကြောင်းကြားစာ ပါ နမူနာမဲပေါ်တွင် သင်တွေ့ သောအမှန်ဖြစ်ထားသမျှသည် အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကလုပ်ဆောင်ထားခြင်းလုံးဝမဟုတ်သလိုအမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကထည့်သွင်းထားခြင်းမျိုးလည်းလုံးဝမဟုတ်ပါ။ အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့သည် အမေရိကန် ပြည်ထောင်စုအစိုးရ ၏ အေဂျင်စီတစ်ခုဖြစ်ပြီးရွေးကောက်ပွဲတွင် မည်သည့်ရွေးချယ်မှုကိုမျှ တိုက်တွန်းအားပေးခြင်းမပြုပါ။ စာမျက်နှာ ၄ မှ ၂
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အမေရိကန် ပြည်ထောင်စု နိုင်ငံ
အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့
ရွေးကောက်ပွဲအကြောင်းကြားစာ



မဲထည့်နိုင်သော ယူနစ်

မဲထည့်ရန် အကျုံးဝင်သော ဝန်ထမ်းများ

မဲထည့်ရန် အကျုံးဝင်သူများမှာ။ ။ အော်ရီဂျာ၊ ကိုလိုရာဒို ဌာန တွင် စက်တင်ဘာလ ၂၆၊ ၂၀၂၁ တွင် အဆုံးသတ်မည့် လစာပေး ကာလအတွင်းတွင် အလုပ်ရှင်က ခန့်အပ်ထားသော ပရက်၊ ကိုက်တင်း၊ တပ်ဆင် အလုပ်သမားများ၊ အဖွဲ့ခေါင်းများ၊ ရမ်းနားများ၊ ထရီန်နာများ၊ အရည်အသွေးစစ်ဆေးလုပ်သားများ၊ လက်ကျန်ပစ္စည်းစာရေး၊ သန့်ရှင်းရေးဝန်ထမ်းများ၊ ဖော့ကလပ်ယာဉ်မောင်းများ၊ စက်မောင်းများ၊ သင်္ဘောတင်၊ ထိန်းသိမ်းရေး၊ ထုတ်လုပ်ရေး၊ ဘေးကင်းညှိနှိုင်းရေးမှူးများ နှင့် စတစ်ကာများအားလုံးပါဝင်သော အော်ရီဂျာ၊ ကိုလိုရာဒို ဌာနတွင် အလုပ်ရှင်က ခန့်အပ်ထားသော အချိန်ပြည့် နှင့် ပုံမှန် အချိန်ပိုင်း၊ ထုတ်လုပ်ရေး နှင့် ထိန်းသိမ်းရေး ဝန်ထမ်းများ အားလုံး။

မဲထည့်ရန် အကျုံးမဝင်သော ဝန်ထမ်းများ

မဲထည့်ရန် အကျုံးမဝင်သူများမှာ။ ။ အက်ဥပဒေတွင် သတ်မှတ်ထားသည့်အတိုင်း စားဖို့မှူး နှင့် လက်ထောက်စားဖို့မှူးများ၊ ရုံးစာရေး ဝန်ထမ်းများ၊ ယာယီဝန်ထမ်းများ၊ ပရောဇက်ရှင်နယ် ဝန်ထမ်းများ၊ လျှို့ဝှက်ဝန်ထမ်းများ၊ အစောင့်များ၊ မန်နေဂျာများ နှင့် ကြီးကြပ်သူများအားလုံး။

သတိပေးချက်။ ။ ဤစာမှာဤရွေးကောက်ပွဲ၏ တစ်ခုတည်းသောတရားဝင် အကြောင်းကြားစာဖြစ်ပြီးမည်သူကမျှ ဖျောက်ဖျက်တစ်လွဲ ပြုလုပ်ခွင့်မရှိပါ။ ဤအကြောင်းကြားစာ ပါ နမူနာမဲပေါ်တွင် သင်တွေ့သောအမှန်ဖြစ်ထားသမျှသည် အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကလုပ်ဆောင်ထားခြင်းလုံးဝမဟုတ်သလိုအမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကထည့်သွင်းထားခြင်းမျိုးလည်းလုံးဝမဟုတ်ပါ။ အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့သည် အမေရိကန် ပြည်ထောင်စုအစိုးရ ၏ အေဂျင်စီတစ်ခုဖြစ်ပြီးရွေးကောက်ပွဲတွင် မည်သည့်ရွေးချယ်မှုကိုမျှ တိုက်တွန်းအားပေးခြင်းမပြုပါ။ စာမျက်နှာ ၄ မှ ၃



အမေရိကန် ပြည်ထောင်စု နိုင်ငံ
အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့
ရွေးကောက်ပွဲအကြောင်းကြားစာ



ဤအကြောင်းကြားစာတွင်ပါသော နမူနာ မဲလက်မှတ်သည် မြန်မာလိုဖြစ်နေပြီး ရွေးကောက်ပွဲတွင် သင်ရရှိမည့်
မဲလက်မှတ်၏ ဘာသာဖြန်တစ်ခုဖြစ်ပါသည်။ သို့ရာတွင် ရွေးကောက်ပွဲတွင် သင်ရရှိမည့် မဲလက်မှတ်တွင်
အင်္ဂလိပ်လိုသာ ရိုက်နှိပ်ထားမည် ဖြစ်ပါသည်။



အမေရိကန် ပြည်ထောင်စု နိုင်ငံ
အမျိုးသား အလုပ်သမား ဆက်ဆံရေး ဘုတ်အဖွဲ့
27-RC-282916



တရားဝင် လျှို့ဝှက် မဲ
အောက်ပါ အဖွဲ့အစည်း၏ တစ်ချို့သော ဝန်ထမ်းတစ်ချို့အတွက်
GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLO FRESH/GREEN CHEF

Do you wish to be represented for purposes of collective bargaining by
စုပေါင်းတောင်းဆိုရန် ရည်ရွယ်ချက်ဖြင့် အောက်ပါ အဖွဲ့အစည်းက သင့်ကို ကိုယ်စားပြုပေးရန် သင်ဆန္ဒရှိပါသလား။
UNITE HERE LOCAL 23, AFL-CIO?

သင့်ရွေးချယ်မှုကို အကွက်ထဲတွင် "X" ခြစ်ပေးပါ

ရှိ
Yes

☐

မရှိ
No

☐

သင့်အမည် သို့မဟုတ် သင်သယ်ယူသယ်ဝါးမှုများ ဖော်ထုတ်နိုင်သော အခြားအမှတ်အသားများကို မအွဲ့ရ မရေးရ။ သင့်ရွေးချယ်မှုကို
အကွက်ထဲတွင် "X" ခြစ်ပေးရုံသာဖြစ်ပါသည်။ အထဲတွင် သို့မဟုတ် တစ်နေရာရာတွင် တစ်ခုခုခြစ်လျှင် အကွက်တစ်ကွက်ထဲရှိပြီး ခြစ်မိလျှင်
ထည့်သွင်းဖော်ပြထားသော လမ်းညွှန်ချက်ကို ကိုးကားပြီး မဲ အသစ်ကို တောင်းဆိုနိုင်ပါသည်။ အထဲတွင် သို့မဟုတ် တစ်နေရာရာတွင် တစ်ခုခု ခြစ်မိပြီး အကွက်တစ်ကွက်ထဲရှိပြီး
ခြစ်မိလျက်နှင့် မဲ ထည့်ခဲ့ပါက သင့်မဲကို ထည့်သွင်းရေးတွက်လိမ့်မည် မဟုတ်ပါ။

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample
ballot have not been put there by the National Labor Relations Board.

အမျိုးသား အလုပ်သမား ဆက်ဆံရေး ဘုတ်အဖွဲ့သည် ဤရွေးကောက်ပွဲတွင် မည်သည့်ရွေးချယ်မှုဘက်ကိုမျှ အားမပေးပါ။ နမူနာ မဲ တွင် တွေ့ရသော အမှန်ခြစ်ထားမှုများကို
အမျိုးသား အလုပ်သမား ဆက်ဆံရေး ဘုတ်အဖွဲ့က ထည့်ထားခြင်း မဟုတ်ပါ။

သတိပေးချက်။ ဤစာမှာဤရွေးကောက်ပွဲ၏ တစ်စုတည်းသောတရားဝင် အကြောင်းကြားစာဖြစ်ပြီးမည်သူကမျှ ဖျောက်ဖျက်တစ်လွဲ ပြုလုပ်ခွင့်မရှိပါ။ ဤအကြောင်းကြားစာ ပါ နမူနာမဲပေါ်တွင်
သင်တွေ့သောအမှန်ခြစ်ထားသမျှသည်

အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကလုပ်ဆောင်ထားခြင်းလုံးဝမဟုတ်သလိုအမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကထည့်သွင်းထားခြင်းမျိုးလည်းလုံးဝမဟုတ်ပါ။

အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့သည် အမေရိကန် ပြည်ထောင်စုအစိုးရ ၏ အေဂျင်စီတစ်ခုဖြစ်ပြီးရွေးကောက်ပွဲတွင် မည်သည့်ရွေးချယ်မှုကိုမျှ တိုက်တွန်းအားပေးခြင်းမပြုပါ။ စာမျက်နှာ ၄ မှ ၇



အမေရိကန် ပြည်ထောင်စု နိုင်ငံ
အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့
ရွေးကောက်ပွဲအကြောင်းကြားစာ



ဝန်ထမ်း ၏ အခွင့်အရေးများ - ပြည်ထောင်စုဥပဒေ က သင့်ကိုအောက်ပါ အခွင့်အရေးများအပ်နှင်းထားပါသည်။ -

- သမဂ္ဂ ဖွဲ့စည်းခြင်း၊ အဖွဲ့ဝင်ခြင်းသို့မဟုတ် အကူအညီပေးခြင်း
- သင့်ကိုယ်စားသင့်အလုပ်ရှင် ကိုတောင်းဆိုရန် ကိုယ်စားလှယ်များရွေးချယ်ခြင်း
- သင့် အကျိုးခံစားခွင့် နှင့် အကာအကွယ်များအတွက် အခြားဝန်ထမ်းများ နှင့်အတူပူးပေါင်းလုပ်ဆောင်ခြင်း
- ယင်းအကာအကွယ်ခံလုပ်ရှားမှုများတွင် မပါဝင်ရန် ရွေးချယ်ခြင်း
- ဝန်ထမ်းများအားကာလအလိုက် အကြောင်း နှင့် ကနဦးအဖိုးအခများပေးရန် လိုအပ်သောဥပဒေနှင့် အညီဖွဲ့စည်းထားသောသမဂ္ဂ-လုံခြုံရေးအဖွဲ့အစည်းသို့ ဝင်ရောက်ခြင်းကဲ့သို့သောသဘောတူညီချက်များကိုခွင့်ပြုထားသည့် ပြည်နယ်တွင်သမဂ္ဂ နှင့် အလုပ်ရှင်တို့သည် အဆိုပါသဘောတူညီချက်အတိုင်းလုပ်ဆောင်နိုင်ပါသည်။သမဂ္ဂအား ၎င်းတို့၏ ငွေပေးချေခြင်းကိုကိုယ်စားပြုခြင်းမဟုတ်သည့် ရည်ရွယ်ချက်ဖြင့် အသုံးပြုခြင်းကိုကန့်ကွက်ကြောင်းအကြောင်းကြားထားသည့် အဖွဲ့ဝင်မဟုတ်သူများသည် သမဂ္ဂ ၏ ကိုယ်စားလှယ်ပေးခြင်းလုပ်ရှားခြင်း (စုပေါင်းတောင်းဆိုခြင်း၊ စာချုပ် စီမံခန့်ခွဲခြင်း နှင့် ပဋိပက္ခ ညှိနှိုင်းပေးခြင်းကဲ့သို့သော) အတွက် ကုန်ကျစရိတ်ကိုသာအချိုးကျ ပေးရန် လိုအပ်ပါသည်။

ဝန်ထမ်းများအဆိုပါ အခွင့်အရေးများကိုကျင့်သုံးနိုင်ရန် ကာကွယ်ပေးရန်အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့၏ တာဝန်ဖြစ်ပါသည်။

ဘုတ်အဖွဲ့အနေဖြင့် မဲပေးရန် အကျိုးဝင်သူများအားလုံးကို ပြည်ထောင်စုဥပဒေအရ ၎င်းတို့ရရှိရှိသည့် အခွင့်အရေးများအကြောင်းကိုအပြည့်အဝအသိပေးရန် နှင့် ရွေးကောက်ပွဲတစ်ခုကျင်းပရာတွင် အလုပ်ရှင် နှင့် သမဂ္ဂများအနေဖြင့် ၎င်းတို့ထံမှဘာတွေကိုမျှော်လင့်ထားရမလဲသိရှိရန် လိုလားပါသည်။

သမဂ္ဂ သို့မဟုတ် အလုပ်ရှင် တစ်ခုခု၏ အေးဂျင့်များကလွတ်လပ် မှုတပြား ရိုးသားသောရွေးကောက်ပွဲမပြောကတိအောင် သင်၏ အခွင့်အရေးများကိုစွက်ဖက်လာပါကဘုတ်အဖွဲ့အနေဖြင့် ရွေးကောက်ပွဲကိုပယ်ဖျက်လိုက်နိုင်ပါသည်။ သင့်လျော်ချိန်တွင် ဘုတ်အဖွဲ့သည် အလုပ်ဖြတ်ခံရသည့်အတွက် တာဝန်ရှိသည့် သူထံမှ နောက်ပြန်ဆွဲငွေကြေးပေးစေခြင်းအပါအဝင် အခွင့်အရေးများကိုကျင့်သုံးခြင်းအတွက် အလုပ်ထုတ်ခံရသောဝန်ထမ်းများအတွက် ပြန်လည်ရှင်းလင်းပေးခြင်းကဲ့သို့သော ဖြန်ဖြေမှုများကိုလည်းစီစဉ်ပေးပါသည်။

အောက်ပါလုပ်ရပ်များမှာဝန်ထမ်း၏ အခွင့်အရေးကိုစွက်ဖက်သောနမူနာလုပ်ရပ်များ ဖြစ်ပြီးရွေးကောက်ပွဲကိုပယ်ဖျက်ခံရစေနိုင်ပါသည်။ -

- အလုပ်ရှင် သို့မဟုတ် သမဂ္ဂ က အလုပ်ပြုတ်မည်ဟု ခြိမ်းခြောက်ခြင်းသို့မဟုတ် အကျိုးခံစားခွင့်ပေးခြင်း
- ရာထူးထိုးပေးမည်ဟုကတိပြုခြင်းသို့မဟုတ် တိုးပေးခြင်း၊ လစာတိုးပေးခြင်းသို့မဟုတ် အခြားခံစားခွင့်များပေးခွင့်ရှိသောပုဂ္ဂိုလ်မှ ၎င်းတို့အားဖြင့် ဝန်ထမ်းတစ်ယောက်၏ မဲကိုလွှမ်းမိုးရန် ကြိုးစားခြင်း
- သမဂ္ဂ ၏ လုပ်ရှားမှု ကိုဆန့်ကျင်ရန် သို့မဟုတ် အားပေးရန် ဝန်ထမ်းကိုအလုပ်ရှင်ကအလုပ်ထုတ်ပစ်ခြင်းသို့မဟုတ် သမဂ္ဂ၏ လုပ်ရှားမှုကိုအားပေးရန်အတွက် ဝန်ထမ်းများအားအလုပ်ထုတ်ပစ်ခံရစေရန် သမဂ္ဂ က လုပ်ဆောင်ခြင်း
- မဲစာများကိုမပေးပို့မီ ၂၄ နာရီကာလအတွင်းတွင် မဖြစ်မနေတက်ရမည့် အလုပ်ခေါ်ချိန် ဖြစ်သောကုမ္ပဏီပိုင်အချိန်တွင် ဝန်ထမ်းအုပ်စုလိုက်စုပြီးလုပ်ရှားမှု ပိန်ခွန်းပြောဆိုခြင်း
- အကဲဆတ်သောအကြောင်းအရာဖြင့် လူမျိုးရေးသို့မဟုတ် ဘာသာရေးလွှမ်းမိုးစေရန် အလုပ်ရှင်ဖြစ်စေသမဂ္ဂ က ဖြစ်စေစေ့ဆော်ခြင်း
- ဝန်ထမ်းများ၏ မဲကိုလွှမ်းမိုးရန် သမဂ္ဂ ကဖြစ်စေအလုပ်ရှင်ကဖြစ်စေအကြမ်းဖက် အင်အားသို့မဟုတ် လက်ရုံးအား ဖြင့် ခြိမ်းခြောက်ခြင်း

အမျိုးသားအလုပ်သမားဆက်ဆံရေးဘုတ်အဖွဲ့ကလွတ်လပ်စွာရွေးချယ်ခွင့်ဟူသောသင့်အခွင့်အရေးကိုကာကွယ်ပေးနေပါသည်။

မမှန်ကန်သောလုပ်ရပ်များကိုခွင့်ပြုလုပ်မည် မဟုတ်ပါ။ သက်ဆိုင်သူများအားလုံးအနေဖြင့် ဥပဒေအရ ပြဌာန်းထားသော မျှတသည့် ရွေးကောက်ပွဲတစ်ခု ဖြစ်ရန် ရှိရမည့် အခြေခံမူဝါဒများကိုလိုက်နာခြင်းဖြင့် ဤအေဂျင်စီနှင့်အတူပူးပေါင်းလုပ်ဆောင်ကြလိမ့်မည်ဟုမျှော်လင့်ပါသည်။

ရွေးကောက်ပွဲနှင့်ပတ်သက်ပြီး မေးစရာရှိပါက NLRB ရုံးထံ (၃၀၃)၈၄၄-၃၅၅၁ သို့ဖုန်းဆက်ပါ သို့မဟုတ် အကူအညီဖြစ်စေရန် NLRB ၏ ဝက်ဘ်ဆိုက်ဒ် www.nlrb.gov ကို ဝင်လေ့လာပါ။

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 32-CA-285271	Date Filed 10-21-2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Grocery Delivery E-Services USA, Inc.		b. Tel. No. 800-733-2414
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2041 Factory Street Richmond, CA 94801	e. Employer Representative Darin Alexander Director of Operations	g. e-mail darin.alexander@hellofresh.com
		h. Number of workers employed 850
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Meal Kits	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attachment A.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
UNITE HERE Local 2850

4a. Address (Street and number, city, state, and ZIP code) 1025 3rd Street Oakland, CA 94607	4b. Tel. No. (510) 893-3181
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
UNITE HERE International Union**6. DECLARATION**I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

(signature of representative or person making charge)

Ivy Yan, Attorney

(Print/type name and title or office, if any)

Address McCracken, Stemerman & Holsberry, LLP
595 Market Street, Suite 800, San Francisco, CA 94105Date 10/21/2021Tel. No.
415-597-7200Office, if any, Cell No.
317-937-7802Fax No.
415-597-7201e-mail
iyan@msh.law**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Attachment A
to Unfair Labor Practice Charge against Grocery Delivery E-Services USA, Inc.

During the last six months, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act by: Maintaining work rules that reasonably tend to chill employees' Section 7 activities including the following illegal rules:

- 1) Rules prohibiting employees from leaving their worksite without permission or interfering with other employees' work outputs.
- 2) Rules prohibiting employees from divulging information about fellow employees.
- 3) Rules prohibiting employees from communicating with the media about HelloFresh.
- 4) Rules restricting how employees may comment on or discuss HelloFresh, HelloFresh customers, and HelloFresh clients, including on social media or over the phone.
- 5) Rules prohibiting employees from making disparaging, unfounded, or derogatory statements about Hello Fresh, HelloFresh employees, HelloFresh vendors, and HelloFresh customers.
- 6) Rules prohibiting employees from using recording devices.
- 7) Rules giving the appearance of surveillance of union activity.
- 8) Rules requiring employees to act in a professional manner and prohibiting behavior which creates discord and lack of harmony.

By these and related acts, the Employer has violated the National Labor Relations Act as charged.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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October 28, 2021

LIAN ALAN, LEAD ORGANIZER
UNITE HERE LOCAL 2850
1025 3RD STREET
OAKLAND, CA 94607

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285271**

Dear Mr. Alan:

The charge that you filed in this case on October 22, 2021 has been docketed as case number 32-CA-285271. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Regional Director

cc: IVY YAN, ATTORNEY ESQ.
MCCRACKEN, STEMERMAN
& HOLSBERRY, LLP
595 MARKET STREET, STE 800
SAN FRANCISCO, CA 94105-2813



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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October 28, 2021

DARIN ALEXANDER
DIRECTOR OF OPERATIONS
GROCERY DELIVERY
E-SERVICES USA, INC.
2041 FACTORY ST.
RICHMOND, CA 94801

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285271**

Dear Mr. Alexander:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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Very truly yours,

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Valerie Hardy-Mahoney
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



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November 1, 2021

RESERVED WITH "CORRECTED" COPY OF CHARGE

DARIN ALEXANDER
DIRECTOR OF OPERATIONS
GROCERY DELIVERY E-SERVICES USA, INC.
2041 FACTORY ST.
RICHMOND, CA 94801

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285271**

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Valerie Hardy-Mahoney
Regional Director

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November 1, 2021

RESERVED WITH "CORRECTED" COPY OF CHARGE

LIAN ALAN, LEAD ORGANIZER
UNITE HERE LOCAL 2850
1025 3RD STREET
OAKLAND, CA 94607

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285271**

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Valerie Hardy-Mahoney
Regional Director

cc: IVY YAN, ATTORNEY AT LAW
MCCRACKEN, STEMERMAN &
HOLS BERRY, LLP
595 MARKET STREET, STE 800
SAN FRANCISCO, CA 94105-2813

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285271

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Peter Ajalat, Esq.
MAILING ADDRESS: Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102
E-MAIL ADDRESS: pajalat@littler.com
OFFICE TELEPHONE NUMBER: (973) 848-4737
CELL PHONE NUMBER: (201) 314-1458 FAX: (973) 741-2312
SIGNATURE: /s/ Peter Ajalat
(Please sign in ink.)
DATE: November 4, 2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285271

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

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(REPRESENTATIVE INFORMATION)

NAME: Brian Hentosz, Esq.

MAILING ADDRESS: Littler Mendelson, P.C., 625 Liberty Avenue, 26th Floor, Pittsburgh, PA 15222-3110

E-MAIL ADDRESS: BHentosz@littler.com

OFFICE TELEPHONE NUMBER: (412) 201-7676

CELL PHONE NUMBER: (412) 913-8971 FAX: (412) 291-1241

SIGNATURE: /s/ Brian Hentosz
(Please sign in ink.)

DATE: November 4, 2021

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CORRECTED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 32-CA-285283	Date Filed 10-25-2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Grocery Delivery E-Services USA, Inc.		b. Tel. No. 800-733-2414
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2041 Factory Street Richmond, CA 94801	e. Employer Representative Darin Alexander Director of Operations	g. e-mail darin.alexander@hellofresh.com
		h. Number of workers employed 850
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Meal Kits	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last six months, the above-named Employer has discriminated against union supporters by: 1) Refusing (b) (6), (b) (7)(C), a union supporter, access to the restroom; 2) Transferring (b) (6), (b) (7)(C), a union supporter, to a different job and denying accommodations for (b) (6), (b) (7)(C) workplace injury in (b) (6), (b) (7)(C) current role on (b) (6), (b) (7)(C) 2021; 3) Demoting (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2021; 4) Sending (b) (6), (b) (7)(C) home early from (b) (6), (b) (7)(C) shift on (b) (6), (b) (7)(C) 2021; and 4) Refusing to allow (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), a HelloFresh employee on workers' compensation leave, to bring (b) (6) lunch in the employee parking lot.

By these and related acts, the Employer has violated the National Labor Relations Act as charged.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 2850

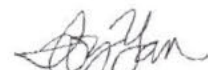
4a. Address (Street and number, city, state, and ZIP code) 1025 3rd Street Oakland, CA 94607	4b. Tel. No. (510) 893-3181
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

UNITE HERE International Union

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Ivy Yan, Attorney

(Print/type name and title or office, if any)

Address McCracken, Stemeran & Holsberry, LLP
595 Market Street, Suite 800, San Francisco, CA 94105

Date 10/25/2021

Tel. No.
415-597-7200Office, if any, Cell No.
317-937-7802Fax No.
415-597-7201e-mail
iyan@msh.law**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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October 28, 2021

LIAN ALAN, LEAD ORGANIZER
UNITE HERE LOCAL 2850
1025 3RD STREET
OAKLAND, CA 94607

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285283**

Dear Mr. Alan:

The charge that you filed in this case on October 25, 2021 has been docketed as case number 32-CA-285283. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Valerie Hardy-Mahoney
Regional Director

cc: IVY YAN, ATTORNEY AT LAW
MCCRACKEN, STEMERMAN & HOLSBERRY, LLP
595 MARKET STREET, STE 800
SAN FRANCISCO, CA 94105-2813



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
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Mobile App

October 28, 2021

DARIN ALEXANDER
DIRECTOR OF OPERATIONS
GROCERY DELIVERY E-SERVICES USA, INC.
2041 FACTORY ST.
RICHMOND, CA 94801

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285283**

Dear Mr. Alexander:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Valerie Hardy-Mahoney
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285283

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Peter Ajalat, Esq.
MAILING ADDRESS: Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102
E-MAIL ADDRESS: pajalat@littler.com
OFFICE TELEPHONE NUMBER: (973) 848-4737
CELL PHONE NUMBER: (201) 314-1458 FAX: (973) 741-2312
SIGNATURE: /s/ Peter Ajalat
(Please sign in ink.)
DATE: November 4, 2021

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NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285283

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Brian Hentosz, Esq.

MAILING ADDRESS: Littler Mendelson, P.C., 625 Liberty Avenue, 26th Floor, Pittsburgh, PA 15222-3110

E-MAIL ADDRESS: BHentosz@littler.com

OFFICE TELEPHONE NUMBER: (412) 201-7676

CELL PHONE NUMBER: (412) 913-8971 FAX: (412) 291-1241

SIGNATURE: /s/ Brian Hentosz
(Please sign in ink.)

DATE: November 4, 2021

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CORRECTED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 32-CA-285298	Date Filed 10-25-2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Grocery Delivery E-Services USA, Inc.		b. Tel. No. 800-733-2414
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2041 Factory Street Richmond, CA 94801	e. Employer Representative Darin Alexander Director of Operations	g. e-mail darin.alexander@hellofresh.com
		h. Number of workers employed 850
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Meal Kits	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last six months, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act by: 1) Threatening employees with adverse consequences for union activity, including loss of benefits; 2) Coercively questioning employees about their own and coworkers' union activities or sympathies; 3) Surveilling employees' union activities; 4) Giving the impression of surveillance of employees' union activities; 5) Disparaging employees for association with the union; 6) Denying off-duty employees who were leafleting about the union access to non-work areas at the facility; 7) Making a rule against distributing leaflets to workers on non-work time in non-work areas; 8) using physical force against employees engaged in activity protected by Section 7; 9) Refusing to allow a worker's partner access to the parking lot to bring lunch; and 10) Conferring new benefits on employees during the union organizing campaign.

By these and related acts, the Employer has violated the National Labor Relations Act as charged.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 2850

4a. Address (Street and number, city, state, and ZIP code) 1025 3rd Street Oakland, CA 94607	4b. Tel. No. (510) 893-3181
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

UNITE HERE International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Ivy Yan, Attorney

(Print/type name and title or office, if any)

Address McCracken, Stemerma & Holsberry, LLP
595 Market Street, Suite 800, San Francisco, CA 94105

Date 10/25/2021

Tel. No.
415-597-7200Office, if any, Cell No.
317-937-7802Fax No.
415-597-7201e-mail
iyan@msh.law**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
NLRB
Mobile App

October 28, 2021

LIAN ALAN, LEAD ORGANIZER
UNITE HERE LOCAL 2850
1025 3RD STREET
OAKLAND, CA 94607

Re: **Grocery Delivery E-Services USA, Inc.**
Case 32-CA-285298

Dear Mr. Alan:

The charge that you filed in this case on October 25, 2021 has been docketed as case number 32-CA-285298. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Valerie Hardy-Mahoney
Regional Director

cc: IVY YAN, ATTORNEY AT LAW
MCCRACKEN, STEMERMAN & HOLSBERRY, LLP
595 MARKET STREET, STE 800
SAN FRANCISCO, CA 94105-2813



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
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Fax: (510)637-3315



Download
NLRB
Mobile App

October 28, 2021

Darin Alexander, Director of Operations
Grocery Delivery E-Services USA, Inc.
2041 Factory St.
Richmond, CA 94801

Re: Grocery Delivery E-Services USA, Inc.
Case 32-CA-285298

Dear Mr. Alexander:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Melissa Kelm whose telephone number is (510)671-3011. If this Board agent is not available, you may contact Supervisory Attorney CATHERINE VENTOLA whose telephone number is (510)671-3049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

VALERIE HARDY-MAHONEY
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285298

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Peter Ajalat, Esq.
MAILING ADDRESS: Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102
E-MAIL ADDRESS: pajalat@littler.com
OFFICE TELEPHONE NUMBER: (973) 848-4737
CELL PHONE NUMBER: (201) 314-1458 FAX: (973) 741-2312
SIGNATURE: /s/ Peter Ajalat
(Please sign in ink.)
DATE: November 4, 2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850,

Charging Party,

and

Grocery Delivery E-Services USA, Inc.,

Respondent.

CASE 32-CA-285298

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Brian Hentosz, Esq.

MAILING ADDRESS: Littler Mendelson, P.C., 625 Liberty Avenue, 26th Floor, Pittsburgh, PA 15222-3110

E-MAIL ADDRESS: BHentosz@littler.com

OFFICE TELEPHONE NUMBER: (412) 201-7676

CELL PHONE NUMBER: (412) 913-8971 FAX: (412) 291-1241

SIGNATURE: /s/ Brian Hentosz
(Please sign in ink.)

DATE: November 4, 2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.


32-RC-283407

Date Filed

09/23/2021

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: Grocery Delivery E-Services USA, Inc.		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 2041 Factory Street, Richmond, CA 94801	
3a. Employer Representative - Name and Title: Darin Alexander, Director of Operations		3b. Address (if same as 2b - state same): Same	
3c. Tel. No. (800) 733-2414	3d. Cell No.	3e. Fax No.	3f. E-Mail Address darin.alexander@hellofresh.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Factory		4b. Principal Product or Service Meal Kits	5a. City and State where unit is located: Richmond, CA
5b. Description of Unit Involved: Included: See Attachment A. Excluded: See Attachment A.			6a. Number of Employees in Unit: 850
			6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Check One: <input type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) 9/23/21 and Employer declined recognition on or about (Date) No reply (If no reply received, so state). <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (if none, so state) None		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any:		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? No <input checked="" type="radio"/> If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state) None			
10a. Name		10b. Address	10c. Tel. No.
			10d. Cell No.
			10e. Fax No.
			10f. E-Mail Address
11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election:			11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
11b. Election Date(s): As soon as possible		11c. Election Time(s):	11d. Election Location(s): 2041 Factory Street, Richmond, CA 94801
12a. Full Name of Petitioner (including local name and number): UNITE HERE Local 2850		12b. Address (street and number, city, State and ZIP code): 1025 3rd Street, Oakland, CA 94607	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state): UNITE HERE International			
12d. Tel. No. (510) 893-3181	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Kristin Martin, McCracken, Stemerman & Holsberry		13b. Address (street and number, city, State and ZIP code): 595 Market St, Ste 800, San Francisco, CA 94105	
13c. Tel. No. 415-597-7200	13d. Cell No. (415) 794-3444	13e. Fax No.	13f. E-Mail Address klm@msh.law
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Lian Alan		Signature 	Title UNITEHERE 2850 Secretary Treasurer
			Date 9/23/21

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITEHERE FORM 502 ATTACHMENT A

All regular part-time and full-time employees of the Employer in the classifications Bundle workers, Line workers, Pack or packing workers, Cleaners, Leads, Prep workers, Trainers, Runners, Quality assurance workers, Inventory, Sanitation workers, Powered industrial truck operators, Machine operators, Assembly, Warehouse, Shipping, Maintenance, Safety, Sauce, Sticker, Housekeeping, Spiders, Mechanics, Labelers, Porters, Autobaggers, Social Distance at its operations at 2041 Factory Street, Richmond, CA 94801, but excluding guards, office clericals, managers and statutory supervisors.

CERTIFICATE OF SERVICE

Employer Name: Grocery Delivery E-Services USA, Inc dba HelloFresh

Service on the Employer

I hereby certify that on 9/23/2021 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- ☒ e-mail to the email address shown on the petition.
- ☐ facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- ☒ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of Employer's representative) at the following address: _____.

Service on the Other Party Named in the Petition

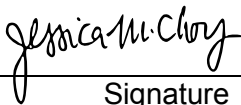
I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- ☐ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- ☐ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.



Signature

Jessica Choy, Research Director

Name and Title

9/23/2021

Date

Date



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
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September 24, 2021

URGENT

klm@msh.law
Kristin L. Martin, Esq.
McCracken, Stemerman & Holsberry, LLP
595 Market St., Suite 800
San Francisco, CA 94105-2813

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-RC-283407**

Dear Ms. Martin:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Nicholas L. Tsiliacos whose telephone number is (510)671-3046. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Assistant to the Regional Director Hokulani Valencia whose telephone number is (510)671-3047. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 a.m. on Friday, October 15, 2021, by Videoconference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by October 1, 2021, in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Pacific Time on October 6, 2021**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Pacific Time on October 12, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but after noon Pacific Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: lalan@unitehere.org
Mr. Lian Alan
Lead Organizer
UNITE HERE Local 2850
1025 3rd Street
Oakland, CA 94607



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that UNITE HERE LOCAL 2850 has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 32-RC-283407 seeking an election to become certified as the representative of the employees of Grocery Delivery E-Services USA, Inc. in the unit set forth below:

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (510)637-3300.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**



Grocery Delivery E-Services USA, Inc. Employer and UNITE HERE LOCAL 2850 Petitioner	Case 32-RC-283407
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that the hearing in the above matter will be a videoconference hearing and is hereby scheduled for **Friday, October 15, 2021**, at 9:00 a.m. and on consecutive days thereafter until concluded. A pre-election conference call for the purpose of narrowing the issues, reaching stipulations, and discussing potential exhibits is scheduled for **Monday, October 4, 2021**. It may be conducted by videoconference or telephonically. All parties will be contacted and provided a call-in number and conference ID prior to the pre-election conference.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Grocery Delivery E-Services USA, Inc. must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Pacific time on October 6, 2021. Following timely filing and service of a Statement of Position by Grocery Delivery E-Services USA, Inc., the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Pacific on October 12, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: September 24, 2021

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board, Region 32
1301 Clay St., Ste. 300N
Oakland, CA 94612-5224

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Grocery Delivery E-Services USA, Inc. Employer and UNITE HERE LOCAL 2850 Petitioner	Case 32-RC-283407
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AFFIDAVIT OF SERVICE OF: Petition dated September 23, 2021, Notice of Representation Hearing dated September 24, 2021, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 24, 2021, I served the above documents by electronic mail upon the following persons, addressed to them at the following addresses:

Kristin L. Martin, Esq.
McCracken, Stemerma & Holsberry, LLP
595 Market St., Suite 800
San Francisco, CA 94105-2813
klm@msh.law

Thomas S. Grow, Esq.
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Mr. Darin Alexander
Director of Operations
Grocery Delivery E-Services USA, Inc.
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darin.alexander@hellofresh.com

Mr. Lian Alan
Lead Organizer
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One Newark Center, 8th Floor
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Newark, NJ 07102
pajalat@littler.com
tsims@littler.com

September 24, 2021

Date

Brenda Schrott, Designated Agent of NLRB

Name

/s/ Brenda Schrott

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

32-RC-283407

Date Filed

September 23, 2021

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative		9b. Signature of authorized representative	9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 32-RC-283407
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.

32-RC-283407

Date Filed

September 23, 2021

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
NLRB
Mobile App

September 24, 2021

URGENT

darin.alexander@hellofresh.com
Mr. Darin Alexander
Director of Operations
Grocery Delivery E-Services USA, Inc.
2041 Factory St.
Richmond, CA 94801

**Re: Grocery Delivery E-Services USA, Inc.
Case 32-RC-283407**

Dear Mr. Alexander:

Enclosed is a copy of a petition that UNITE HERE Local 2850 filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Nicholas L. Tsiliacos whose telephone number is (510)671-3046. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Hokulani Valencia whose telephone number is (510)671-3047. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by Friday, October 1, 2021, in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with employees in the petitioned-for unit, you must also distribute the notice electronically to them. You must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Pacific Time on October 6, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon October 6, 2021.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Pacific Time on October 12, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 a.m. on Friday, October 15, 2021, by Videoconference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);
- (b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.



Valerie Hardy-Mahoney
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc:

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National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that UNITE HERE LOCAL 2850 has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 32-RC-283407 seeking an election to become certified as the representative of the employees of Grocery Delivery E-Services USA, Inc. in the unit set forth below:

All regular part-time and full-time employees of the Employer in the classifications Bundle workers, Line workers, Pack or packing workers, Cleaners, Leads, Prep workers, Trainers, Runners, Quality assurance workers, Inventory, Sanitation workers, Powered industrial truck operators, Machine operators, Assembly, Warehouse, Shipping, Maintenance, Safety, Sauce, Sticker, Housekeeping, Spiders, Mechanics, Labelers, Porters, Autobaggers, Social Distance at its operations at 2041 Factory Street, Richmond, CA 94801, but excluding guards, office clericals, managers and statutory supervisors.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (510)637-3300.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**



Grocery Delivery E-Services USA, Inc. Employer and UNITE HERE LOCAL 2850 Petitioner	Case 32-RC-283407
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that the hearing in the above matter will be a videoconference hearing and is hereby scheduled for **Friday, October 15, 2021**, at 9:00 a.m. and on consecutive days thereafter until concluded. A pre-election conference call for the purpose of narrowing the issues, reaching stipulations, and discussing potential exhibits is scheduled for **Monday, October 4, 2021**. It may be conducted by videoconference or telephonically. All parties will be contacted and provided a call-in number and conference ID prior to the pre-election conference.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Grocery Delivery E-Services USA, Inc. must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Pacific time on October 6, 2021. Following timely filing and service of a Statement of Position by Grocery Delivery E-Services USA, Inc., the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Pacific on October 12, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: September 24, 2021

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board, Region 32
1301 Clay St., Ste. 300N
Oakland, CA 94612-5224

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Grocery Delivery E-Services USA, Inc. Employer and UNITE HERE LOCAL 2850 Petitioner	Case 32-RC-283407
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AFFIDAVIT OF SERVICE OF: Petition dated September 23, 2021, Notice of Representation Hearing dated September 24, 2021, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 24, 2021, I served the above documents by electronic mail upon the following persons, addressed to them at the following addresses:

Kristin L. Martin, Esq.
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September 24, 2021
Date

Brenda Schrott, Designated Agent of NLRB
Name

/s/ Brenda Schrott
Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

32-RC-283407

Date Filed

September 23, 2021

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative		9b. Signature of authorized representative	9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 32-RC-283407
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.

32-RC-283407

Date Filed

September 23, 2021

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required)

☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850, Petitioner, and Grocery Delivery E-Services USA, Inc., Respondent.

CASE 32-RC-283407

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Grocery Delivery E-Services USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Peter B. Ajalat, Esq.	
MAILING ADDRESS: Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102	
E-MAIL ADDRESS: pajalat@littler.com	
OFFICE TELEPHONE NUMBER: 973.848.4737	
CELL PHONE NUMBER: 201.314.1458	FAX: 973.741.2312
SIGNATURE: <u>/s/ Peter B. Ajalat</u> (Please sign in ink.)	
DATE: September 24, 2021	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UNITE HERE Local 2850, Petitioner, and Grocery Delivery E-Services USA, Inc., Respondent.

CASE 32-RC-283407

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Grocery Delivery E-Services USA, Inc. _____

IN THE ABOVE-CAPTIONED MATTER. _____

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Tyler A. Sims, Esq.	
MAILING ADDRESS: Littler Mendelson, P.C., One Newark Center, 8th Floor, Newark, NJ 07102	
E-MAIL ADDRESS: tsims@littler.com	
OFFICE TELEPHONE NUMBER: 973.848.4747	
CELL PHONE NUMBER: 260.416.9303	FAX: 973.741.2765
SIGNATURE: /s/ Tyler A. Sims (Please sign in ink.)	
DATE: September 24, 2021	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 p.m. on Thursday, November 18, 2021, ballots will be mailed to voters from the National Labor Relations Board, Region 32, 1301 Clay St Ste 300N, Oakland, CA 94612-5224. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Any person who has not received a ballot by Thursday, November 25, 2021, should immediately contact the NLRB Region 32 office at 510.637.3300 or Nicholas L. Tsiliacos 510.671.3046 and request a ballot.

All ballots will be commingled and counted at the Region 32 Office on Wednesday, December 15, 2021 at 10:00 a.m. In order to be valid and counted, the returned ballots must be received in the Region 32 Office prior to the counting of the ballots.

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time employees employed by the Employer in the classifications of Production, Leads, Quality assurance, Cycle counters, Sanitation workers, Warehouse, Shipping, Maintenance, Safety coordinators, Housekeeping, Spider, Label administrative associates at its operations located at 2041 Factory Street, Richmond, CA; employed by the Employer during the payroll period ending October 10, 2021.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: managers, temporary agency employees, professional employees, confidential employees, office clerical employees, guards, and supervisors as defined in the Act.

IT IS VERY IMPORTANT THAT VOTERS SIGN ACROSS THE FLAP OF THE YELLOW ENVELOPE BEFORE MAILING THEIR BALLOTS AS SHOWN IN THIS PICTURE:





United States of America
National Labor Relations Board
NOTICE OF ELECTION



UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo
32-RC-283407



OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL

For certain employees of
Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por
UNITE HERE LOCAL 2850?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

YES
SI

☐

NO
NO

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.

Vea las Instrucciones incluidas.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (510)637-3300 or visit the NLRB website www.nlr.gov for assistance.

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. **SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.**



7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at: (510) 637-3300 or Nicholas L. Tsiliacos (510)671-3046

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY Close of business on December 14, 2021

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for non representational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both employers and unions to know what is expected of them when it holds an election.

If agents of either unions or employers interfere with your right to a free, fair, and honest election, the election can be set aside by the Board. Where appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in the setting aside of the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes.

The National Labor Relations Board protects your right to a free choice

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



OBJETIVO DE LA ELECCION: Esta elección es para que los empleados que son elegibles para votar escojan a su representante, si hubiese alguno, con el fin de negociar colectivamente con el Empleador. (Fíjese en LA UNIDAD DE VOTACION en este Aviso de Elección, de los empleados que son elegibles para votar). La mayoría de votos válidos emitidos determinará los resultados de la elección. Solamente se puede llevar a cabo una elección válida de representación dentro de un período de 12 meses.

PAPELETA DE VOTACION SECRETA: La elección será por votación secreta a través del correo de los Estados Unidos bajo la supervisión del Director Regional de la Junta Nacional de Relaciones del Trabajo (JNRT). Una muestra de la papeleta de votación oficial se muestra en la siguiente página de este Aviso. Los votantes podrán votar sin interferencia, restricción, ni amenaza. Los empleados elegibles para votar recibirán por correo, las *Instrucciones Para los Empleados que Votan por el Correo de los Estados Unidos*, una papeleta de votación, un sobre azul, y un sobre amarillo con su dirección y franqueo pre-pagado.

REGLAS DE ELEGIBILIDAD: Los empleados elegibles para votar son aquellos que están definidos según la UNIDAD DE VOTACION en la siguiente página, e incluye a los empleados que no trabajaron durante el período de la nómina designada porque estaban enfermos o en vacaciones, o estaban temporalmente descansados. Los empleados que hayan renunciado o que hayan sido despedidos con causa desde el período de la nómina designada y quienes no hayan sido recontratados o reincorporados antes de la fecha de esta elección *no* son elegibles para votar.

IMPUGNACION DE LOS VOTANTES: Un agente de la Junta o un observador autorizado puede cuestionar la elegibilidad de un votante. Dicha impugnación debe de ser hecha al momento del conteo de las papeletas.

OBSERVADORES AUTORIZADOS: Cada parte puede designar un número igual de observadores, este número será determinado por la JNRT. Aquellos observadores (a) actúan como controladores en el área de votación y durante el conteo de los votos; (b) ayudan a identificar a los votantes; (c) impugnan a votantes y papeletas y (d) de otra forma asisten a la JNRT.

METODO Y FECHA DE LA ELECCION

La elección será conducida a través del correo de los Estados Unidos. Las papeletas de votación serán enviadas por correo a los empleados contratados en la unidad apropiada de la negociación colectiva. A las 5:00 p.m. del jueves, 18 de noviembre de 2021, las papeletas de votación serán enviadas por correo a los votantes desde la Junta Nacional de Relaciones del Trabajo, Región 32, 1301 Clay St Ste 300N, Oakland, CA 94612-5224. Los votantes deben de firmar la parte de afuera del sobre en el cual la papeleta se regresa. Cualquier papeleta de votación recibida en un sobre que no esté firmado será automáticamente nula.

Aquellos empleados que creen que son elegibles para votar y no recibieron una papeleta por correo a más tardar el jueves, 25 de noviembre de 2021, deberán comunicarse de inmediato con la Junta Nacional de Relaciones del Trabajo, ya sea llamando a la Oficina de la Región 32 al (510) 637-3300 o a Nicholas L. Tsiliacos al (510) 671-3046 para pedir una papeleta.

Todas las papeletas serán mezcladas y contadas en la Oficina de la Región 32 el miércoles, 15 de diciembre de 2021, a las 10:00 a.m. Para que sean válidas y contadas, las papeletas de votación regresadas deberán ser recibidas en la Oficina de la Región 32 antes del conteo de las papeletas.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.

UNIDAD DE VOTACION

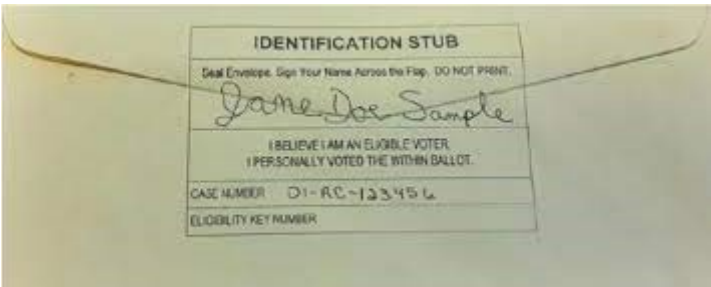
EMPLEADOS QUE SON ELEGIBLES PARA VOTAR:

Aquellos que son elegibles para votar son todos los empleados a tiempo completo y a tiempo parcial regular, empleados por el Empleador en las clasificaciones de Producción, Líderes, Seguridad de calidad, Contadores de ciclos, Trabajadores de saneamiento, Almacén, Envío, Mantenimiento, Coordinadores de seguridad, Limpieza, “Spider”, asociados administrativos de etiqueta, en sus instalaciones ubicadas en 2041 Factory Street, Richmond, CA; empleados por el Empleador durante el período de la nómina que termina el 10 de octubre de 2021.

EMPLEADOS QUE NO SON ELEGIBLES PARA VOTAR:

Aquellos que no son elegibles para votar son los gerentes, empleados de agencias temporales, empleados profesionales, empleados confidenciales, empleados de oficina, guardias y supervisores según se definen en la Ley.

ES MUY IMPORTANTE QUE LOS VOTANTES FIRMEN A LO LARGO DE LA SOLAPA DEL SOBRE AMARILLO ANTES DE ENVIAR SUS BOLETAS POR CORREO COMO SE MUESTRA EN ESTA IMAGEN:





Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo

32-RC-283407

OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL

For certain employees of
Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH



Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negocia. colectivamente por
UNITE HERE LOCAL 2850?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCION

YES
SI

☐

NO
NO

☐

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Vea las Instrucciones incluidas.

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La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



DERECHOS PARA EMPLEADOS – LA LEY FEDERAL LES DA EL DERECHO DE:

- Formarse, unirse o apoyar a una unión
- Escoger a representantes para que negocien de su parte con su empleador
- Actuar junto con otros empleados por beneficio y protección mutua
- Elegir no participar en ninguna de estas actividades protegidas
- En un Estado donde tales acuerdos son permitidos, la Unión y el Empleador podrán celebrar un acuerdo legal de protección sindical que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. Los no-miembros que informen a la unión de su objeción a que sus pagos sean usados con propósitos no representativos, podrán ser requeridos de pagar solo la porción de los costos de la unión por actividades representativas (tales como negociación colectiva, administración de contratos y resolución de quejas).

Es la responsabilidad de la Junta Nacional de Relaciones del Trabajo proteger a los empleados en el ejercicio de estos derechos.

La Junta desea que todos los empleados que sean elegibles para votar estén completamente informados sobre sus derechos según la ley Federal y desea que ambos, El Empleador y las Uniones, sepan que se espera de ellos cuando se celebra una elección.

Si los agentes, tanto de las Uniones o del Empleador interfieren con sus derechos de tener una elección libre, justa, y honesta, la elección podría ser desestimada por la Junta. Cuando es apropiado, la Junta proporcionara otros recursos, tales como la reincorporación de los empleados despedidos por ejercer sus derechos, incluyendo el pago retroactivo por parte de los responsables de sus despidos.

Los siguientes son ejemplos de conductas que interfieren con los derechos de los empleados y puede resultar en la desestimación de la elección:

- Un empleador o la unión que amenace con la pérdida de trabajos o beneficios.
- Una de las partes capaces que promete u otorga promociones, aumento de sueldos, u otros beneficios para influenciar el voto del empleado.
- Un empleador que despide a empleados para desalentar o alentar la actividad de unión, o una unión que cause sus despidos para alentar la actividad de la unión.
- Dar discursos de campaña para congrega grupos de empleados en horas de trabajo, donde la asistencia es obligatoria, dentro del periodo de las 24 horas antes de que los centros de votación abran por primera vez, o que las papeletas de votación por correo sean despachadas.
- Un empleador o la unión que instigue prejuicios raciales o religiosos por medio de apelaciones inflamatorias.
- Una unión o un empleador que amenace a los empleados con fuerza física o violencia para influenciar sus votos.

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección.

No se permitirán conductas inapropiadas. Se espera que todas las partes cooperen totalmente con esta Agencia para mantener los principios básicos de elecciones justas como es requerido por la ley.

Cualquier persona con preguntas sobre una elección puede contactar a la Oficina de la JNRT al (510)637-3300 o visitar la página web de la JNRT www.nlr.gov para ser asistido.

Estados Unidos De América
Junta Nacional De Relaciones Del Trabajo
Instrucciones Para Empleados Elegible Que Votan Por Correo
De Los Estados Unidos



INSTRUCCIONES

1. MARQUE SU PAPELETA EN SECRETO PONIENDO UNA X DENTRO DEL CUADRO DE SU SELECCIÓN. NO HAGA OTRAS MARCAS EN SU PAPELETA.
2. SI ENVÍA UNA PAPELETA CON MARCAS EN EL INTERIOR, O EN CUALQUIER LUGAR ALREDEDOR, EN MÁS DE UN CUADRADO, SU PAPELETA NO SERÁ CONTADA. USTED PUEDE SOLICITAR UNA NUEVA PAPELETA LLAMANDO A LA OFICINA REGIONAL AL NÚMERO QUE APARECE ABAJO.
3. ES IMPORTANTE MANTENER EL SECRETO DE SU PAPELETA. NO ENSEÑE SU PAPELETA A NADIE DESPUÉS DE HABERLA MARCADO.
4. PONGA SU PAPELETA EN EL SOBRE AZUL Y CIERRE EL SOBRE.
5. PONGA EL SOBRE AZUL QUE CONTIENE LA PAPELETA EN EL SOBRE AMARILLO QUE TIENE LA DIRECCIÓN DE LA JUNTA NACIONAL DE RELACIONES DEL TRABAJO.
6. FIRME LA PARTE POSTERIOR DEL SOBRE DE RETORNO AMARILLO EN EL ESPACIO PROPORCIONADO. PARA SER CONTADO, EL SOBRE DE RETORNO AMARILLO DEBE SER FIRMADO.



7. NO PERMITA QUE NINGUNA PERSONA RELACIONADA CON ESTA PETICIÓN, LA COMPAÑIA, LA UNIÓN(ES), O SUS REPRESENTANTES, O NINGÚN EMPLEADO PETICIONARIO - TOQUE, COLECTE O ENVÍE SU PAPELETA POR CORREO.
8. ENVIÉ SU PAPELETA INMEDIATAMENTE. NO SE NECESITA SELLO POSTAL. PARA MÁS INFORMACIÓN, LLAME A LA OFICINA REGIONAL A: (510) 637-3300 o Nicholas L. Tsiliacos (510) 671-3046.

PARA SER CONTADA, SU PAPELETA DEBE SER RECIBIDA EN LA OFICINA REGIONAL

ANTES DEL

Cierre de operaciones el 14 de diciembre de 2021

DERECHOS DE LOS EMPLEADOS

Bajo la Ley Nacional de Relaciones del Trabajo, los empleados tienen el derecho a:

- Organizarse
- Formar, unirse, o ayudar a organizaciones laborales
- Negociar colectivamente a través de representantes escogidos por ellos mismos
- Actuar juntos para los fines de negociación colectiva o para otros fines de ayuda o protección mutua
- Negarse a hacer alguna o todas estas cosas a menos que, en los estados en que se permitan tales acuerdos, la unión (sindicato) y la empresa, lleguen a un acuerdo legal que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. A aquellos que no son miembros de la unión y se oponen al uso de sus cuotas para fines que no sean de representación, se les puede requerir que paguen solamente su parte de los gastos de la unión por las actividades de representación (tales como la negociación colectiva, la administración de contrato, y la resolución de quejas).

La Junta Nacional de Relaciones del Trabajo tiene la responsabilidad de proteger a los empleados en el ejercicio de estos derechos.

La Junta desea que todos los votantes elegibles estén completamente informados acerca de sus derechos bajo la ley federal y desea que tanto las empresas como las uniones sepan lo que se espera de ellas cuando la Junta lleva a cabo una elección.

Si los agentes de las uniones o de las empresas interfieren con su derecho a una elección libre, imparcial y honesta, la elección puede ser anulada por la Junta. Siempre que corresponda, la Junta provee otras soluciones, tales como la reinstalación para los empleados que fueron despedidos por haber ejercido sus derechos, incluyendo el pago de atrasos de la parte responsable por su despido.

Los siguientes son ejemplos de conducta que interfiere con los derechos de los empleados y puede resultar en la anulación de la elección:

- Amenazas con la pérdida de empleos o de beneficios hechas por una empresa o una unión
- Promesas o concesiones de ascensos, aumentos de sueldo, u otros beneficios para influenciar el voto de un empleado hechas por una de las partes que este en la posición de llevar a cabo tales promesas
- El despido de empleados de parte de una empresa para desalentar o alentar actividades de la unión o el despido de los empleados causado por una unión para alentar actividades de la unión
- La provocación a prejuicios raciales o religiosos de parte de una empresa o de una unión por medio de llamados provocativos
- Amenazas de uso de fuerza física o de violencia hechas a los empleados de parte de la unión o de una empresa para influenciar sus votos

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección

No se permitirá una conducta inapropiada. Se espera que todas las partes cooperen completamente con esta agencia manteniendo los principios básicos de una elección justa como lo requiere la ley. Como una agencia del gobierno de los Estados Unidos, la Junta Nacional de Relaciones del Trabajo no respalda ninguna de las selecciones en la elección.



JUNTA NACIONAL DE RELACIONES DEL TRABAJO
Una agencia del
GOBIERNO DE LOS ESTADOS UNIDOS



Junta Nacional de Relaciones del Trabajo de los Estados Unidos



TQANIL TI'J VOTACIÓN

AJU TIQU'N IN NOK VOTACIÓN: In nok jun votación tu'n tjaw tjyo'n jun aq'unal jun t-xel, qa at jun, tu'n tyolin moqa tu'n tnegosyarín te t-xel tuk'il tpatrón. (Q'onka twitza ti'j AJU TUMEL VOTACIÓN toj u'j lu tu'n tel tník'a ti'j alkyeqe aq'unal jaku jaw jyjo'n jun kyxel.) Aju kyajlal u'j che votaril aq'unal twitz tzul yek'inte qa at jun ma jaw jyo'n tu'n tyolin te kyxel. O'kx 12 xjaw at tajb'en ex tipumal votación lu.

NYA KYWITZ TXQANTL: Nya kywitz txqantl che votaril aq'unal, sino ok che pol qe u'j tja aq'unal toj correo te U.S. ex k'okel tq'o'n Director Regional de la Junta Nacional de Relaciones Laborales twitz ti'j (aju NLRB techel toj inglés). Toj juntl t-xaq u'j te Tqanil lu, in tzaj yek'in jun techel ti'j voleta. Mi jun k'elel q'inte amb'il kye qeju che votaril. Aqejú *aq'unal jaku che votarin* kpol sma'n kyuj ex qe *instrucción kye toj correo te Estados Unidos* ex kpol jun boleta, jun sobre azul, jun sobre amarillo tuk'il dirrección ti'j ex aju nya il ti'j tu'n tok sello postal ti'j.

QEJU JAKU B'ANT KYU'N: In tzaj q'ama'n toj AJU TUMEL VOTACIÓN alkyeqe jaku che votarin ex chi qa jaku che votarin qeju minti' e aq'unan jun amb'il tu'nju tzaj kyyab' moqa tu'nju i e'x toj kyvacación moqa tu'nju el q'i'n jte' q'ij kyaq'un. Minti' in che votarin qeju at jun tiqu'n o tz'okx kyq'o'n jun kyrenuncia moqa o tz'el q'i'n kyaq'un ex minti' otoq txi q'o'ntl kyaq'un toj amb'il aj tok votación.

AJU IN CHE OK WE' VOTARIL TWITZ: Jun t-xjal Junta moqa jun q'onx toklen jaku tz'ok tq'o'n twitz ti'j qa axix tok jaku votarin jun aq'unal moqa mi'n. O'kx jaku b'ant lu tu'n toj amb'il aj kykub' ajlet qe boleta.

QEJU Q'ONX KYOKLEN: Teyele junjun plaj jaku txi tq'o'n toklen jun k'loj xjal tu'n tok kyq'o'n kywitz aj kyb'aj ajlet qe boleta ex a NLRB kq'malte tje' kyb'et che tel toj junjun k'loj. Aqe jlu a) in che ok te inspector tu'n kyb'aj ajlet qe u'j ma che votarin aq'unal twitz, b) in che onin tu'n tel ník' alkyeqe otoq che votarin, c) in nok kyq'o'nix kywitz ti'j a qa ax tok qe votaril ex qe boleta, ex d) in che onin ti'j NLRB.

AJU ALKYE TTEN EX ALKYE Q'IJ TZ'OK VOTACIÓN

Che pol u'j tu'n correo te Estados Unidos kyja aq'unal tu'n kyvotarin. Ok che xel sma'n qe boleta toj kycorreo aq'unal aqejú jaku che votarin tu'n tjaw kyjo'n jun yolil moqa negosyaril kyí'j toj jun k'loj. Aj tpon jueves 18 te noviembre te la 5 te qale, otoq che pon qe boleta kyja votaril tu'n Junta Nacional de Relaciones Laborales, Región 32, 1301 Clay St Ste 300N, Oakland, CA 94612-5224. Aqejú che votaril, il ti'j tu'n tkub' kyfirmarin ti'j sobre aju jatumel tkux' boleta kmeltz'ajel. Tkyaqil boleta nya firmad, mlay tz'ok toj tajlal.

Qa at jun na'mxtoq tpon mandarin tboleta toj jueves 25 te noviembre te 2021, kxel tq'ama'n naj te NLRB Región 32 oficina 510.637.3300 moqa te Nicholas L. Tsiliacos 510.671.3046 ex tu'n t-xi tqanin jun tboleta.

Kykyaqil boleta che okel chmet ex che kb'el ajlet toj Oficina de la Región 32 toj miercoles 15 te diciembre te las 10 te prim moqa te qlax. Tu'n kyok boleta toj tajlal, il ti'j tu'n kypon toj Oficina de la Región 32 na'mxtoq tpon amb'il tu'n kyb'aj ajlet.

TQANIL: O'kx u'j lu q'ontz toklen tu'n ttzaj tq'ama'n tqanil ti'j votación ex mi jun jaku tz'ok tq'o'n juntl ti' ti'j. Qa ma tz'ok tq'o'na twitza ti'j jun marca tok ti'j jun boleta te yekb'il moqa ti'j u'j te tqanil lu, nya tu'n Junta Nacional de Relaciones Laborales sok q'o'n. Jun agencia te Junta Nacional de Relaciones Laborales te tkawb'il Estados Unidos ex nya tu'n in b'ant junjun ti'chaq aj tok votación.

AJU TUMEL VOTACIÓN

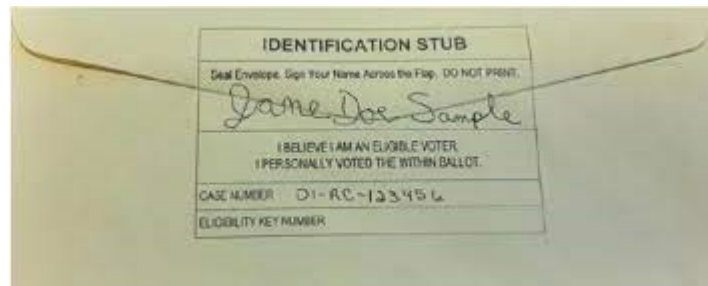
AQEJU AQ'UNAL JAKU CHE VOTARIN:

Jaku che votarin: kykyaqil qeju in che aq'unan toj tkyaqil amb'il, qeju in che aq'unan toj ch'in amb'il toj producción, qeju clientes pontencial qe, qe nejenel, qeju ate' toj control, te contador, qe in che q'anin, qe ate' kyoj depoito, toj transportación, toj mantenimiento, toj xq'uqb'il, toj limpieza, chmol. Che okel etiquetarit qeju in che aq'unan toj 2041 Factory Street, Richmond, CA; ex aju q'onx taq'un tu'n jun patrón ex in pon b'aj tu'n toj 10 te octubre te 2021.

AQEJU MLAY B'ANT KYVOTARIN:

Mlay b'ant kyvotarin: qeju gerente, qeju in che aq'unan toj jun agencia te ch'in amb'il, qe frefecional, qe aq'unal confidencial, qe te toj oficina, qe guardia, qe supervisor ik tze'n in tq'ama'n ley.

AQEJU CHE VOTARIL NIMXIX TOKLEN TU'N TKUB' KYFIRMARIN TI'J SOBRE AMARILLO NA'MXTOQ TAJ KYANJSA'N TI'J SOBRE, IK TZE'N TKUB' TOJ TILB'ILAL TZALU:



Aju boleta

Toj inglés ex español qe yol ate'kux toj boleta kpol tuk'ila ik tze'n in tzaj yek'in toj t-xaq lu. Atzun tkab' boleta tkub' toj juntl t-xaq, naq ma kub' traducirin aju in tma'n.



**UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA**
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo

32-RC-283407



**OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL**

For certain employees of
Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por

UNITE HERE LOCAL 2850?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

YES
SI

☐

NO
NO

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.

Vea las Instrucciones incluidas.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



Junta Nacional de Relaciones del Trabajo de los Estados Unidos



TQANIL TI'J VOTACIÓN



**ESTADOS UNIDOS TE AMERICA
ESTADOS UNIDOS DE AMERICA**
Junta Nacional De Relaciones Del Trabajo
Junta Nacional De Relaciones Del Trabajo
32-RC-283407



**U'J Q'ONTZ TOKLEN
PAPELETA SECRETA OFICIAL**

Kye junjun aq'unat te
Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH

¿Taja tu'n tyolin jun nejenel te t-xjela tu'n tnegosyarín toj jun k'loj aju q'ontz toklen tu'n
¿Desea usted estar representado para los fines de negociar colectivamente por

UNITE HERE LOCAL 2850?

**Q'ONKUYA JUN «X» TOJ CUADRO KJAWIL TJYO'NA
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN**

**YES
SI**

☐

**NO
NO**

☐

MI'N KUB' TFIRMARINA EX MI'N KUB' TTZUB'INA TE'HYA TU'NTZUN MI'N TEL NIK' TI'JA ALKYEYA. O'KX Q'ONKUYA JUN
«X» TOJ CUADRO KJAWIL TJYO'NA. Qa ma b'aj t-qitina toj cuadro moqa ti'jile u'j, qaninxajuntl tpapeletaya ex u'jinkuxa
aju in tzaj tq'ama'n instrucción aju in tzaj q'o'n junx tuk'il lu. Qa sq'itin ti'j papeleta moqa tz'ib'ink jujuntl ti'chaq ti'j aj t-xi
tq'o'na, mlay tz'ok toj tajlal.

**NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X"
EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un
cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas
en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.**

Vea las Instrucciones incluidas.

Nya tu'n Junta Nacional de Relaciones Laborales in b'ant junjun ti'chaq aj tok votación. Qa ma tz'ok tq'o'na
twitza ti'j jun marca tok ti'j jun boleto, nya a Junta Nacional de Relaciones Laborales sok q'onte.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que
se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.

TQANIL: O'kx u'j lu q'ontz toklen tu'n ttzaj tq'ama'n tqanil ti'j votación ex mi jun jaku tz'ok tq'o'n juntl ti' ti'j. Qa ma tz'ok tq'o'na twitza ti'j
jun marca tok ti'j jun boleto te yekb'il moqa ti'j u'j te tqanil lu, nya tu'n Junta Nacional de Relaciones Laborales sok q'o'n. Jun agencia te
Junta Nacional de Relaciones Laborales te tkawb'il Estados Unidos ex nya tu'n in b'ant junjun ti'chaq aj tok votación.



Junta Nacional de Relaciones del Trabajo de los Estados Unidos



TQANIL TI'J VOTACIÓN

AJU KYOKLEN AQ'UNAL: IN TZAJ TQ'O'N LEY FEDERAL TOKLENA:

- Tu'n toka, tu'n tok tmojb'a'n tib'a ex tu'n tonina ti'j jun unión
- Tu'n tjaw tjyo'na jun negosyaril te t-xela tuk'il tpatróna
- Tu'n tb'ant jun ti' tu'na kyuk'il tuk'ila toj aq'untl tu'ntzun tonin kyi'je moqa tu'n tok kyxq'uqin kyib'e
- Tu'n tkub' t-ximana tu'n mi'n tb'ant qe ti'chaq lu tu'na aju xq'uqin ta'
- Kyoj junjun tnam jatumel q'ontz amb'il, in kyaj b'ant ti'j jun acuerdo te xq'uib'il twitz ley tu'n Unión moqa Sindicato tuk'il Patrón ex jatumel il ti'j tu'n tchjet cuotas toj junjun tajlal q'ij ex cuotas aj t-xi tzyet. Aqegu nya kyaj tu'n tajb'en chojb'il in xi kyq'o'n ti'j junjuntl ti'chaq, jaku txi q'met kye tu'n ttzaj kychjo'n o'kx aju in kub'aj ti'j aq'untl in b'ant tu'n union aj tok te t-xel (ik tze'n aj tok negociación colectiva, administración te contrat ex aj tok ajustarit qe queja).

Taj Junta Nacional de Relaciones del Trabajo tu'n kyxq'uqit ex tu'n tok kyoklen.

Tajb'il Junta tu'n tok kyb'i'nxix qeju che votaril alkye kyoklen in tzaj q'o'n tu'n ley federal ex tajb'il tu'n tok kyb'i'n qe patrón ex qeju te unión ti' il ti'j tu'n tb'ant kyu'n aj tok jun votación.

Qa in nok tilil kyu'n te union moqa tu'n tpatróna tu'n t-sb'u'na aj tvotarina, jaku tz'el ti'n Junta toklen votación lu. Qa at tumel, in tzaj tq'o'n Junta junjuntl tumel tu'n kyonit aq'unal ik tze'n: tu'n txi q'et juntl maj taq'un aq'unal ma tz'el q'i'n taq'un tu'nju ma japun toklen tu'n ex tu'n t-xi chjet twi' tk'u'j aju na'mtoq t-xi q'o'n.

Lu qe junjun techel lu ti'jju in nel ti'n toklen jun aq'unal ex tu'ntzunju jaku tz'el iq'et toklen votación:

- Qa ma tz'aj tq'ama'n jun Patrón moqa te Unión qa k'elel q'i'n taq'una moqa junjuntl ti'chaq toj aq'untl
- Qa ma tzaj q'ama'n teya tu'n jun aju jaku b'ant tu'n, qa tzul chjo'n mastl twi'j tk'u'ja moqa tzul q'o'n junjuntl ti'chaq teya naq tu'n tvotarina
- Qa at jun patron in nel ti'n taq'un jun xjal tu'nju miti' in nonin ti'j unión moqa qa atl unión in b'inchante tu'n tel q'i'n taq'un xjal tu'nju minti' in nonin xjal ti'j
- Qa ma tz'ex q'o'n junjun discurso kye jun k'oj aq'unal toj amb'il te aq'untl toj empresa ex naq 24 orxtl tu'n t-xi mandarit qe boleta toj correo
- Qa ma tz'ok q'aq' tu'n jun patron moqa tu'n jun te unión tu'nju at ik'b'il toj tanmi ti'j tyajil moqa ti'j tiyjil jun xjal moqa tu'nju junxtil tokslab'il twitz
- Qa ma tzaj tq'ama'n jun patrón moqa jun te unión qa kb'ajel b'yo'na tu'n moqa k'okel k'ixb'isa'na tu'n qa minti' xjaw tjyo'na aju tajb'il aj tvotarina

In xq'uqin Junta Nacional de Relaciones del Trabajo ti'j toklena tu'n tjaw tjyo'na aju mas b'a'n.

Mlay tzaj q'o'n amb'il tu'n tb'ant jun nya b'a'n. In nayon Agencia tu'n tok tilil kyu'n kykyaqil qeju at kyoklen ti'j votación tu'n tkub' kyb'inha'n aju b'a'n aj tok votación ik tze'n in tzaj tq'ama'n ley.

Qa at jun xjal at t-xjel ti'j votación, jaku t-xi yolin te t-Oficina NLRB toj (510)637-3300 moqa jaku tz'okx toj ttemb'il NLRB toj internet toj www.nlr.gov tu'n ttzaj onin.

Estados Unidos de America
Junta Nacional De Relaciones Del Trabajo

Qe instrucción tu'n tcorreo Estados Unidos kye votaril



QE INSTRUCCIÓN

1. Q'ONKUYA JUN X TOJ CUADRO KJAWIL TJYO'NA TOJ BOLETA. MI'N KUB' TQ'O'NA TFIRMAYA MOQA TB'IYA EX NIX JUNTIL TI'XTI' AJU JAKU TXI TYEK'IN ALKYEYA.
2. QA MA TXI TQ'O'NA JUN BOLETA SQITIN TOJXI MOQA TI'JXI MOQA JAXKU TUMEL, MLAY TZ'OK TOJ TAJLAL. JAKU TXI LLAMARINA TOJ OFICINA REGIONAL TOJ NUMERO TKUB' KUB'NI TU'NTZUN T-XI TQANINA JUNTIL BOLETA.
3. NIMXIX TOKLEN TU'N MI'N TOK TQ'O'N JUNTIL XJAL TWITZ TI'J BOLETA. MI'N TXI TYEK'INA BOLETA TE NIJUN OTOQXI KUB' T-MARCARINA TOJ JUN KYXOL CUADRO ATE' TWITZ.
4. KB'ELEX TQ'O'NA BOLETA TOJ SOBRE AZUL EX KB'EL T-SELLARINA.
5. AJU SOBRE AZUL JATUMEL TKU'X BOLETA, KB'ELEX TQ'O'NA TOJ SOBRE AMARRILLO AJU JATUMEL TOK DIRRECCIÓN TI'J TU'N T-XI SAMET JATUMEL SAJ.
6. **NA'MXTOQ TAJ T-SAMA'NA SOBRE AMARRILLO, KB'EL TFIRMARINA TI'J ATZ JATUMEL Q'ONTZ ESPACIO TE. IL TI'J TU'N TOK FIRMA TI'J SOBRE AMARRILLO TU'N TOK TOJ TAJLAL.**



7. MI TXI TQ'O'NA EX MI T-XI T-SAMA'NA BOLETA TE PATRÓN, KYE TE UNIÓN NIX TE ALKYEXKU JUNTIL.
8. JURAT SAMANXA BOLETA. NYA IL TI'J TU'N TKYAJ TEN NIM AMB'IL TUK'ILA. Qa taja mas tqanil llamarinxa toj Oficina Regional toj: (510) 637-3300 moqa te Nicholas L. Tsiliacos (510)671-3046

TU'N TOK TEYA T-BOLETA TOJ TAJLAL, OTOQXI PON TOJ OFICINA REGIONAL TE LA

5:00 te qale toj martes 14 te diciembre te 2021

AJU KYOKLEN AQ'UNAL

Tjaq' Ley Nacional de Relaciones Laborales, at kyoklen aq'unal:

- Tu'n kyokx toj jun organización
- Tu'n tok, tu'n tok tmojb'a'n tib', ex tu'n tonin kyij' organización
- Tu'n tjaw tjyo'n jun negosyaril te t-xel tuk'il tpatrón
- Tu'n tb'ant jun ti' tu'n kyuk'il tuk'il tu'ntzun tonin kyij' moqa tu'n tok kyxq'uqin kyib'
- Tu'n mi'n tkub' tb'inha'n alkyexku kyxol jlu o'kx qa toj jun tnam jatumel q'ontz amb'il, in kyaj b'ant ti'j jun acuerdo te xq'uib'il twitz ley tu'n Unión moqa Sindicato tuk'il Patrón ex jatumel il ti'j tu'n tchjet cuotas toj junjun tajlal q'ij ex cuotas aj t-xi tzyet kyu'n aq'unal. Aqegu aq'unal nya kyaj tu'n tajb'en chojb'il in xi kyq'o'n ti'j junjuntl ti'chaq, jaku txi q'met kye tu'n ttzaj kychjo'n o'kx aju in kub'aj ti'j aq'untl in b'ant tu'n union aj tok te t-xel (ik tze'n aj tok negociación colectiva, administración te contrat ex qe aj tok ajustarit qe queja).

Taj Junta Nacional de Relaciones del Trabajo tu'n kyxq'uqit ex tu'n tok kyoklen.

Tajb'il Junta tu'n tok kyb'i'nxix qeju che votaril alkye kyoklen in tzaj q'o'n tu'n ley federal ex tajb'il tu'n tok kyb'i'n qe patrón ex qeju te union ti' il ti'j tu'n tb'ant kyu'n aj tok jun votación.

Qa in nok tilil kyu'n te union moqa tu'n tpatróna tu'n t-sb'u'na aj tvotarina, jaku tz'el ti'n Junta toklen votación lu. Qa at tumel in tzaj tq'o'n Junta junjuntl tumel tu'n kyonit aq'unal ik tze'n: tu'n txi q'et juntl maj taq'un aq'unal ma tz'el q'i'n taq'un tu'nju ma japun toklen tu'n, ex tu'n t-xi chjet twi' tk'u'j aju na'mtoq t-xi q'o'n.

Lu qe junjun techel lu ti'jju in nel ti'n toklen jun aq'unal ex tu'ntzunju jaku tz'el iq'et toklen votación:

- Qa ma tz'aj tq'ama'n jun Patrón moqa te Unión qa k'elel q'i'n taq'una moqa junjuntl ti'chaq toj aq'untl
- Qa ma tzaj q'ama'n teya tu'n jun aju jaku b'ant tu'n, qa tzul chjo'n mastl twi'j tk'u'ja moqa tzul q'o'n junjuntl ti'chaq teya naq tu'n tvotarina
- Qa in nel ti'n jun patrón taq'un jun xjal tu'n ttzaj tb'is aq'unal moqa tu'n tonin aq'unal ti'j unión moqa qa at jun te unión in tb'inha'n tu'n tel q'i'n taq'un aq'unal tu'nju minti' in nonin aq'unal ti'j unión
- Qa ma tz'ok q'aq' tu'n jun patron moqa tu'n jun te unión tu'nju at ik'b'il toj tanmi ti'j tyajil moqa ti'j tiyjil jun xjal moqa tu'nju junxtil tokslab'il twitz
- Qa ma tzaj tq'ama'n jun patrón moqa jun te unión qa kb'ajel b'yo'na tu'n moqa k'okel k'ixb'isa'na tu'n qa minti' xjaw tjyo'na aju tajb'il aj tvotarina.

In xq'uqin Junta Nacional de Relaciones del Trabajo ti'j toklena tu'n tjaw tjyo'na aju mas b'a'n

Mlay tzaj q'o'n amb'il tu'n tb'ant jun nya b'a'n. In nayon Agencia tu'n tok tilil kyu'n kykyaqil qeju at kyoklen ti'j votación tu'n tkub' kyb'inha'n aju b'a'n aj tok votación ik tze'n in tzaj tq'ama'n ley. Jun agencia te Junta Nacional de Relaciones Laborales te tkawb'il Estados Unidos ex nya tu'n in b'ant junjun ti'chaq aj tok votación.



**AJU JUNTA NACIONAL DE
RELACIONES LABORALES**
Jun agencia te
TKAWB'IL ESTADOS UNIDOS



المجلس الوطني الأمريكي
للعلاقات العمالية



إشعار بإجراء انتخابات

الغرض من الانتخابات: تهدف هذه الانتخابات إلى تحديد الممثل، إن وجد، الذي يرغب الموظفون المؤهلون في انتخابه لأغراض المفاوضة الجماعية مع صاحب العمل. (راجع وحدة التصويت في إشعار الانتخابات للاطلاع على وصف للموظفين المؤهلين). سوف تحدد الغالبية العظمى من الأصوات الصحيحة التي سوف يتم الإدلاء بها نتائج الانتخابات. ويمكن عقد انتخابات تمثيل صحيحة واحدة فقط كل 12 شهرا.

الاقتراع السري: ستجري الانتخابات بالاقتراع السري عن طريق البريد تحت إشراف المدير الإقليمي للمجلس الوطني للعلاقات العمالية (NLRB). يمكن الاطلاع على نموذج رسمي من ورقة الاقتراع على الصفحة التالية من هذا الإشعار. وسوف يسمح للناخبين بالتصويت دون أي تدخل أو قيد أو إكراه. لن يسمح بالدعاية الانتخابية في مركز الاقتراع أو بالقرب منه. وينبغي الإبلاغ عن أي انتهاكات لهذه القواعد على الفور إلى ممثل مجلس العلاقات العمالية الوطني. سوف يتلقى الموظفون المؤهلون للتصويت بالبريد تعليمات إلى الموظفين الذين يدلون بـ بصواتهم عن طريق بريد الولايات المتحدة بطاقة اقتراع وظرف أزرق اللون وظرف معنون باسم المقترع أصفر اللون لا يحتاج إلى طابع بريدي.

قواعد الأهلية: العاملون الذين يحق لهم التصويت هم هؤلاء المبينين في القسم بعنوان وحدة التصويت على الصفحة التالية ويشملوا الموظفين الذين لم يعملوا خلال فترة الرواتب المخصصة لأنهم كانوا إما مرضى أو في إجازة أو تم تسريحهم مؤقتا. الموظفون الذين استقالوا أو تم تسريحهم من العمل لسبب من الأسباب منذ فترة الرواتب المعينة والذين لم يتم إعادة توظيفهم أو إعادتهم إلى عملهم قبل موعد هذه الانتخابات ليسوا مؤهلين للتصويت.

الطعن من قبل الناخبين: يمكن لممثل المجلس أو مراقب مخول أن يشكك بأهلية ناخب ما للتصويت. ويجب تقديم مثل هذا الطعن عند عد بطاقات الاقتراع.

المراقبون المخولون: يمكن لكل طرف أن يعين عددا متساويا من المراقبين، وهذا العدد سوف يحدده المجلس الوطني للعلاقات العمالية. ويعمل هؤلاء المراقبين (أ) بمثابة مفتشين في مكان التصويت وعند فرز الأصوات؛ و (ب) يساعدون في تحديد هوية الناخبين؛ و (ج) يعترضون على الناخبين وصناديق الاقتراع؛ و (د) يساعدون المجلس الوطني للعلاقات العمالية بخلاف ذلك.

طريقة وتاريخ الانتخابات

سيتم إجراء الانتخابات عن طريق بريد الولايات المتحدة. سيتم إرسال بطاقات الاقتراع بالبريد إلى الموظفين العاملين في وحدة المفاوضة الجماعية المناسبة. في الساعة 5:00 مساء يوم الخميس الموافق 18 نوفمبر 2021، سيتم إرسال بطاقات الاقتراع بالبريد إلى الناخبين من قبل المجلس الوطني للعلاقات العمالية، المنطقة 32، 1301 شارع كلاي، الجناح 300N، أوكلاند، كاليفورنيا 94612-5224. يجب أن يوقع الناخبون الجهة الخارجية من الظرف الذي يتم فيه إعادة بطاقة الاقتراع. أي اقتراع يتم استلامه في مظروف غير موقع سيكون باطلاً تلقائياً.

يجب على أي شخص لم يتلق الاقتراع بحلول يوم الخميس 25 نوفمبر 2021 الاتصال على الفور بمكتب المجلس الوطني للعلاقات العمالية، المنطقة 32، على الرقم 510.637.3300 أو بالسيد نيكولاس ل. تسيليياكوس على الرقم 510.671.3046 وطلب بطاقة اقتراع.

سيتم خلط جميع بطاقات الاقتراع وفرزها في مكتب المنطقة 32 يوم الأربعاء 15 ديسمبر 2021 في الساعة 10:00 صباحاً. لكي تكون صحيحة ويتم عدها، يجب استلام بطاقات الاقتراع المرتجعة في مكتب المنطقة 32 قبل فرز الأصوات.

وحدة التصويت

الموظفون الذين يحق لهم للتصويت:

الأشخاص المؤهلون للتصويت هم: جميع العاملين بدوام كامل وبدوام جزئي الذين يعملون من قبل صاحب العمل في تصنيفات الإنتاج ، والعملاء المحتملين ، وضمان الجودة ، وعدادات الدورة ، وعمال الصرف الصحي والمستودعات والشحن والصيانة ومنسقي السلامة والتدبير المنزلي والعكبات تسمية المنتسبين الإداريين في عملياتها الواقعة في 2041 شارع فاكتورى، ريتشموند- كاليفورنيا؛ الموظفون لدى صاحب العمل خلال فترة الرواتب المنتهية في 10 أكتوبر 2021.

الموظفون غير المؤهلين للتصويت:

الأشخاص غير المؤهلين للتصويت هم: المديرون وموظفو الوكالة المؤقتون والموظفون المحترفون والموظفون السريون وموظفو المكاتب والحراس والمشرفون على النحو المحدد في القانون .

من المهم جدًا أن يوقع الناخبون عبر رفرف المغلف الأصفر قبل إرسال بطاقتهم كما هو موضح في هذه الصورة:



بطاقة الاقتراع

ستكون بطاقة الاقتراع الفعلية باللغة الإنجليزية باللغة الإسبانية كما هو موضح في بطاقة الاقتراع الأولى أدناه . بطاقة الاقتراع الثانية المبينة أدناه هي ترجمة للبطاقة.



**UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA**
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo
32-RC-283407



**OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL**

For certain employees of
Para Ciertos Empleados De

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por
UNITE HERE LOCAL 2850?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

**YES
SI**
☐

**NO
NO**
☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.

Vea las Instrucciones incluidas.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



المجلس الوطني الأمريكي
للعلاقات العمالية
إشعار بإجراء انتخابات



المجلس الوطني الأمريكي
ESTADOS UNIDOS DE AMERICA
للعلاقات العمالية

Junta Nacional De Relaciones Del Trabajo
32-RC-283407

بطاقة اقتراع رسمية
PAPELETA SECRETA OFICIAL
لبعض موظفي

Para Ciertos Empleados De
GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH



هل ترغب في أن يتم تمثيلك لأغراض المفاوضة الجماعية
¿Desea usted estar representado para los fines de negociar colectivamente por
اتحدوا هنا، الفرع 2850

في المربع الذي تختاره فقط. "X" ضع علامة
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

نعم
SI

لا
NO

لا تقم بالتوقيع أو كتابة اسمك ولا تُدرج علامات أخرى من شأنها أن تكشف عن هويتك.
إذا قمت بعمل علامات في داخل أكثر من مربع، أو في أي مكان حول المربع، يمكنك طلب بطاقة اقتراع جديدة بالرجوع إلى التعليمات
إذا قمت بتقديم بطاقة اقتراع بعلامات داخل أكثر من مربع واحد، أو في أي مكان آخر، لن يتم احتساب بطاقة اقتراعتك. المرفقة

NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, su papeleta no será contada.

Vea las Instrucciones incluidas.

المجلس الوطني للعلاقات العمالية لا يؤيد أي خيار في هذه الانتخابات. لم يتم وضع أي علامات قد تراها على أي عينة من بطاقة اقتراع من قبل المجلس الوطني للعلاقات العمالية.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



المجلس الوطني الأمريكي
للعلاقات العمالية



إشعار بإجراء انتخابات

حقوق الموظفين - يمنحك القانون الاتحادي الحق في:

- تكوين نقابة أو الانضمام إليها أو مساعدتها
- اختيار ممثلين للمساومة مع صاحب العمل نيابة عنك
- العمل مع الموظفين الآخرين لمصلحتك وحمايتك
- اختيار عدم المشاركة في أي من هذه الأنشطة المحمية
- في الولايات التي يُسمح فيها بمثل هذه الاتفاقات، يجوز للنقابة وصاحب العمل الدخول في اتفاق نقابي وأمن قانوني يطالب الموظفين بدفع مستحقات دورية ورسوم بدء العمل. قد يُطلب من غير الأعضاء الذين يبلغون الاتحاد بأنهم يعترضون على استخدام مدفوعاتهم لأغراض غير تمثيلية دفع حصتهم فقط من تكاليف أنشطة الاتحاد الخاصة بالأنشطة التمثيلية (مثل المفاوضة الجماعية وإدارة العقود وتسوية المظالم).

تقع على عاتق المجلس الوطني لعلاقات العمل مسؤولية حماية الموظفين في ممارسة هذه الحقوق. يريد المجلس أن يتم إعلام جميع الناخبين المؤهلين بشكل كامل بحقوقهم بموجب القانون الاتحادي ويريد أن يعرف كل من أرباب العمل والنقابات ما هو متوقع منهم عند إجراء الانتخابات. إذا تدخل وكلاء أي من النقابات أو أرباب العمل في حقك في انتخابات حرة ونزيهة، فيمكن لمجلس الإدارة إلغاء الانتخابات. عند الاقتضاء، يوفر مجلس الإدارة علاجات أخرى، مثل إعادة الموظفين الذين تم فصلهم من العمل لممارسة حقوقهم، بما في ذلك السداد المتأخر من الطرف المسؤول عن تسريحهم من العمل.

فيما يلي أمثلة على السلوك الذي يتعارض مع حقوق الموظفين وقد يؤدي إلى إلغاء الانتخابات:

- التهديد بفقدان الوظائف أو المزايا من قبل صاحب العمل أو النقابة
- الوعد بمنح أو منح ترقية أو زيادات في الأجور أو مزايا أخرى للتأثير على تصويت الموظف من قبل طرف قادر على تنفيذ هذه الوعود
- قيام صاحب العمل بفصل الموظفين لتثبيط أو تشجيع النشاط النقابي أو النقابة مما يتسبب في طردهم لتشجيع النشاط النقابي
- إلقاء خطابات في الحملات الانتخابية لمجموعات مجمعة من الموظفين في وقت الشركة حيث يكون الحضور إلزامياً، في غضون 24 ساعة قبل إرسال بطاقات الاقتراع بالبريد
- التحريض من قبل صاحب العمل أو النقابة على التحيز العنصري أو الديني عن طريق نداءات تحريضية
- التهديد باستخدام القوة الجسدية أو العنف ضد الموظفين من قبل نقابة أو صاحب عمل للتأثير على أصواتهم

يحمي المجلس الوطني للعلاقات العمالية حقك في الاختيار الحر. لن يتم السماح بالسلوك غير اللائق. يتوقع من جميع الأطراف أن تتعاون بشكل كامل مع هذه الوكالة في الحفاظ على المبادئ الأساسية لانتخابات نزيهة كما يقتضي القانون. يمكن لأي شخص لديه سؤال حول الانتخابات الاتصال بمكتب NLRB على 3300-637 (510) أو زيارة الموقع www.nlr.gov للحصول على المساعدة.

المجلس الوطني الأمريكي
للعلاقات العمالية
تعليمات بشأن تصويت الموظفين المؤهلين
عبر بريد الولايات المتحدة



تعليمات

1. ضع علامة على بطاقة اقتراعك في السر عن طريق وضع علامة X في المربع المناسب. لا توقع أو تكتب اسمك ولا تُدرج علامات أخرى من شأنها أن تكشف عن هويتك.
2. إذا أرسلت بطاقة اقتراع تحمل علامات بداخلها، أو في أي مكان حولها، في أكثر من مربع واحد، لن يتم احتساب بطاقتك. يمكنك بطاقة اقتراع جديدة عن طريق الاتصال بالمكتب الإقليمي على الرقم أدناه.
3. من المهم الحفاظ على سرية الاقتراع الخاص بك. لا تُظهر بطاقة اقتراعك لأي شخص بعد أن قمت بتعليمها.
4. ضع بطاقة اقتراعك في المغلف الأزرق واختم المغلف.
5. ضع المغلف الأزرق الذي يحتوي على بطاقة الاقتراع في مغلف الإرجاع ذي العنوان الأصفر.
6. قم بالتوقيع الجزء الخلفي من مغلف الإرجاع الأصفر في المساحة المتوفرة. ليتم احتساب بطاقة اقتراعك، يجب التوقيع على مغلف الإرجاع الأصفر.



7. لا تسمح لأي طرف - صاحب العمل، أو النقابة (النقابات)، أو ممثليها، أو مقدم الطلب - بمناولة بطاقة اقتراعك أو لمها أو إرسالها بالبريد.
8. قم بإرسال البطاقة بالبريد على الفور. لا حاجة إلى وضع طابع بريدية. لمزيد من المعلومات، اتصل بالمكتب الإقليمي على الرقم 3300 637 (510) أو نيكولاس تسرياكوس على الرقم 671-3046 (510).

لكي يتم احتساب بطاقة اقتراعك/ يجب أن تصل البطاقة إلى المكتب الإقليمي في موعد أقصاه
الخمسة مساء من يوم الثلاثاء، 14 ديسمبر 2021

حقوق الموظفين

بموجب قانون علاقات العمل الوطني، يحق للموظفين:

- التنظيم الذاتي.
- تشكيل المنظمات العمالية أو الانضمام إليها أو مساعدتها
- المفاوضة الجماعية من خلال ممثلين من اختيارهم .العمل معًا لأغراض المفاوضة الجماعية أو غيرها من المساعدات أو الحماية المتبادلة
- رفض القيام بأي من هذه الأمور أو جميعها ما لم يبرم النقابة وصاحب العمل في ولاية تسمح فيها هذه الاتفاقات، اتفاقية نقابية وأمنية قانونية تلزم الموظفين بدفع مستحقات دورية ورسوم بدء العمل. قد يُطلب من غير الأعضاء الذين يبلغون النقابة أنهم يعترضون على استخدام مدفوعاتهم لأغراض غير تمثيلية دفع حصتهم فقط من تكاليف أنشطة النقابة التمثيلية (مثل المفاوضة الجماعية وإدارة العقود وتسوية المظالم).

تقع على عاتق المجلس الوطني للعلاقات العمالية مسؤولية حماية الموظفين في ممارسة هذه الحقوق.

- يريد المجلس أن يتم إعلام جميع الناخبين المؤهلين بشكل كامل بحقوقهم بموجب القانون الفيدرالي ويريد أن يعرف كل من أصحاب العمل والنقابات ما هو متوقع منهم عند إجراء الانتخابات.
- إذا تدخل وكلاء النقابات أو أرباب العمل في حقك في انتخابات حرة ونزيهة، يمكن لمجلس الإدارة إبطال الانتخابات. عند الاقتضاء، يوفر مجلس الإدارة علاجات أخرى، مثل إعادة الموظفين الذين تم فصلهم من العمل لممارسة حقوقهم، بما في ذلك الدفع الخلفي من الطرف المسؤول عن تسريحهم من العمل.

فيما يلي أمثلة على السلوك الذي يتعارض مع حقوق الموظفين وقد يؤدي إلى إلغاء الانتخابات:

- التهديد بفقدان الوظائف أو المزايا من قبل صاحب العمل أو النقابة.
- الوعد بمنح أو منح الترقيات أو زيادات الأجور أو مزايا أخرى للتأثير على تصويت الموظف من قبل طرف قادر على تنفيذ هذه الوعود.
- قيام صاحب العمل بفصل الموظف لتثبيط أو تشجيع النشاط النقابي أو النقابة مما يتسبب في طرده لتشجيع النشاط النقابي.
- التحريض من قبل صاحب العمل أو النقابة على التحيز العنصري أو الديني بواسطة دعوات تحريضية.
- التهديد بالقوة البدنية أو العنف ضد الموظفين من قبل النقابة أو صاحب العمل للتأثير على أصواتهم.

يحمي المجلس الوطني للعلاقات العمالية حقك في الاختيار الحر

لن يتم السماح بالسلوك غير اللائق. يتوقع من جميع الأطراف أن تتعاون بشكل كامل مع هذه الوكالة في الحفاظ على المبادئ الأساسية لانتخابات نزيهة كما يقتضي القانون. لا يؤيد المجلس الوطني لعلاقات العمل بصفته وكالة تابعة لحكومة الولايات المتحدة أي خيار في الانتخابات.



المجلس الوطني للعلاقات العمالية

هو وكالة

تابعة لحكومة الولايات المتحدة



Estados Unidos ng Amerika National Labor Relations Board **ABISO NG HALALAN**



LAYUNIN NG ELEKSYON: Itong eleksyon ay para matukoy ang magiging kinatawan, kung mayroon man, ninanais ng mga karapat-dapat na empleyado para sa layunin ng sama-samahang pakikipagkasundo sa kanilang employer. (Tingnan ang YUNIT SA PAGBOTO nakalakit dito sa Abiso ng Halalan para sa paglalarawan ng mga karapat-dapat na empleyado.) Ang mayorya ng mga balidong balota ang magpapasya sa mga resulta ng halalan. Isang balidong halalan ng representasyon lamang ang maaaring isagawa sa loob ng 12 buwan.

SEKRETONG BALOTA: Ang halalan ay sa pamamagitan ng lihim na balota na isinasagawa sa pamamagitan ng koreo ng U.S. sa ilalim ng pangangasiwa ng Direktor Pangrehiyonal ng National Labor Relations Board (NLRB). Ang isang sample ng opisyal na balota ay ipinapakita sa susunod na pahina ng Abisong ito. Ang mga botante ay papayagang bumoto nang walang panghihimasok, pagpigil, o pamimilit. Ang mga empleyadong karapat-dapat na bumoto ay makakatanggap sa koreo ng Mga Tagubilin sa Mga Empleyado sa Pagboto sa pamamagitan ng Koreo ng Estados Unidos, isang balota, isang asul na sobre, at isang dilaw na sobreng naka-address sa sarili na hindi nangangailangan ng selyo.

MGA TUNTUNIN SA PAGIGING KWALIPIKADO: Ang mga empleyadong karapat-dapat na bumoto ay ang mga inilalarawan sa ilalim ng YUNIT SA PAGBOTO sa susunod na pahina at kasama ang mga empleyadong hindi nagtrabaho sa itinalagang payroll period dahil sila ay may sakit o nasa bakasyon o pansamantalang natanggal sa trabaho. Ang mga empleyadong huminto o na-discharge nang may dahilan mula noong itinakdang panahon ng payroll at hindi nakabalik o naibalik sa trabaho bago ang petsa ng halalan na ito ay hindi karapat-dapat na bumoto.

HAMON SA MGA BOTANTE: Ang isang ahente ng Lupon o isang awtorisadong tagamasid ay maaaring magtanong sa pagiging karapat-dapat ng isang botante. Ang ganitong hamon ay dapat gawin sa oras na binibilang ang mga balota.

PWEDENG TAGAMASID: Ang bawat partido ay maaaring magtalaga ng pantay na bilang ng mga tagamasid, ang bilang na ito ay tutukuyin ng NLRB. Ang mga tagamasid na ito (a) ay kumikilos bilang mga pamato sa pagbibilang ng mga balota; (b) tumulong sa pagtukoy ng mga botante; (c) hamunin ang mga botante at mga balota; at (d) kung hindi man ay tumulong sa NLRB.

PARAAN AT PETA NG ELEKSYON: Ang halalan ay isasagawa sa pamamagitan ng koreo ng Estados Unidos. Ang mga balota sa koreo ay ipapadala sa koreo sa mga empleyadong nagtatrabaho sa naaangkop na unit ng collective-bargaining. Ngayong Huwebes ng 5:00 p.m., Nobyembre 18, 2021, ang mga balota ay ipapadala sa mga botante galing sa National Labor Relations Board, Rehiyon 32, 1301 Clay St Ste 300N, Oakland, CA 94612-5224. Dapat pirmahan ng mga botante ang labas ng sobre kung saan ibinabalik ang balota. Anumang balota na natanggap na ang sobre ay hindi napirmahan ay awtomatikong mawawalan ng bisa.

Sinumang tao na hindi nakatanggap ng balota sa Huwebes, Nobyembre 25, 2021, ay dapat makipag-ugnayan kaagad sa Opisina ng NLRB Rehiyon 32 sa 510.637.3300 o kay Nicolas L. Tsiliacos 510.671.3046 at huming ng balota.

Ang mga balota ay ipagsamama at bibilangin sa Opisina ng Rehiyon 32 sa Miyerkules, Disyembre 15, 2021 sa 10:00 a.m. Upang maging wasto at mabilang, ang mga ibinalik na balota ay dapat matanggap sa Tanggapan ng Rehiyon 32 bago ang pagbilang ng mga balota.

BABALA: Ito ang tanging opisyal na paunawa ng halalan na ito at hindi dapat siraan ng sinuman. Anumang mga marka na maaari mong makita sa anumang sample na balota o saanman sa notice na ito ay ginawa ng isang tao maliban sa National Labor Relations Board, at hindi inilagay doon ng National Labor Relations Board. Ang National Labor Relations Board ay isang ahensya ng Gobyerno ng Estados Unidos, at hindi nag-eendorso ng anumang pagpipilian sa halalan.

YUNIT SA PAGBOTO

MGA EMPLEYADONG MAY KARAPATANG BUMOTO:

Ang mga karapat-dapat na bumoto ay: Lahat ng full-time at regular na pansamantalang empleyado na nagtatrabaho ng Employer sa mga klasipikasyon ng Production, Leads, Quality assurance, Cycle counters, Sanitation workers, Warehouse, Shipping, Maintenance, Safety coordinators, Housekeeping, Spider, Label administrative associates sa mga operasyon sa lokasyon sa 2041 Factory Street, Richmond, CA; nagtatrabaho sa kanilang Employer sa panahon ng payroll na magtatapos sa Oktubre 10, 2021.

MGA EMPLEYADONG WALANG KARAPATANG BUMOTO:



Ang mga hindi karapat-dapat na bumoto ay: mga tagapamahala, mga pansamantalang empleyado ng ahensya, mga propesyonal na empleyado, mga kumpidensyal na empleyado, mga empleyado ng klerikal ng opisina, mga guwardiya, at mga superbisor gaya ng tinukoy sa Batas.

NAPAKAMAHALAGA NA PUMIRMA ANG MGA BOTANTE SA FLAP NG DILAW NA SOBRE BAGO I-MAIL ANG KANILANG MGA BALOTA AYON SA LARAWAN NA ITO:



The Ballot

The actual ballot that you will receive will be in English in Spanish as shown in the first ballot below. The second ballot shown below is a translation.

	<p>UNITED STATES OF AMERICA ESTADOS UNIDOS DE AMERICA National Labor Relations Board Junta Nacional De Relaciones Del Trabajo 32-RC-283407</p> <p>OFFICIAL SECRET BALLOT PAPELETA SECRETA OFICIAL For certain employees of Para Ciertos Empleados De</p> <p>GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH</p>			
<p>Do you wish to be represented for purposes of collective bargaining by ¿Desea usted estar representado para los fines de negociar colectivamente por</p> <p>UNITE HERE LOCAL 2850?</p>				
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center; padding: 10px;"><p>YES SI</p><div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div></td><td style="width: 50%; text-align: center; padding: 10px;"><p>NO NO</p><div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div></td></tr></table> <p style="font-size: 4em; opacity: 0.3; transform: rotate(-10deg); position: absolute; top: 50%; left: 50%; pointer-events: none;">Sample</p>			<p>YES SI</p> <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div>	<p>NO NO</p> <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div>
<p>YES SI</p> <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div>	<p>NO NO</p> <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div>			
<p>DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.</p> <p>NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARÍAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCIÓN SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, puede solicitar una nueva papeleta consultando las instrucciones adjuntas. Si envía una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.</p> <p style="text-align: center;">Vea las Instrucciones incluidas.</p> <p>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</p> <p>La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.</p>				



**Estados Unidos ng Amerika
National Labor Relations Board
ABISO NG HALALAN**



**UNITED STATES OF AMERICA
ESTADOS UNIDOS NG AMERICA**
National Labor Relations Board
32-RC-283407



**OFFICIAL SECRET BALLOT
OPISYAL NA SEKRETONG BALOTA**

For certain employees of
Para sa ilang Empleyado ng

GROCERY DELIVERY E-SERVICES USA, INC. D/B/A HELLOFRESH

Do you wish to be represented for purposes of collective bargaining by
Nais mo bang maging kinatawan para sa mga layunin ng kolektibong pakikipagkasundo ni
UNITE HERE LOCAL 2850?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARKAHAN NG "X" ANG KAHON NG IYONG PINILI

**YES
OO**

☐

**NO
HINDI**

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

HUWAG PIRMAHAN O ISULAT ANG IYONG PANGALAN O MAGSAMA NG IBA PANG MGA MARKA NA MAGPAPAKITA NG IYONG PAGKAKAKILANLAN.

MARKAHAN NG "X" ANG KAHON NG IYONG PINILI LAMANG. Kung ikaw ay gumawa ng marka sa loob o kahit saan man, higit pa sa isang kahon, maaari kang humingi ng panibagong balota sa pamamagitan sa pagsangguni sa nakalakip na tagubilin. Kung magsumite ka ng balota kasama ang mga marka sa loob, o saanman sa paligid, higit sa isang kahon, ang iyong balota ay hindi mabibilang.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

Ang National Labor Relations Board ay hindi nag-eendorso ng anumang pagpipilian sa halalan na ito. Anumang mga marka na maaari mong makita sa anumang sample na balota ay hindi inilagay ng National Labor Relations Board.

BABALA: Ito ang tanging opisyal na paunawa ng halalan na ito at hindi dapat siraan ng sinuman. Anumang mga marka na maaari mong makita sa anumang sample na balota o saanman sa notice na ito ay ginawa ng isang tao maliban sa National Labor Relations Board, at hindi inilagay doon ng National Labor Relations Board. Ang National Labor Relations Board ay isang ahensya ng Gobyerno ng Estados Unidos, at hindi nag-eendorso ng anumang pagpipilian sa halalan.



Estados Unidos ng Amerika National Labor Relations Board



ABISO NG HALALAN

MGA KARAPATAN NG MGA EMPLEYADO - ANG BATAS NG Pederal AY NAGBIBIGAY SA IYO NG KARAPATAN NA:

- Bomuo, makilahok, o tumulong sa unyon
- Pumili ng mga kinatawan upang makipagkasundo sa iyong employer sa ngalan mo
- Kumilos kasama ng ibang mga empleyado para sa iyong benepisyo at proteksyon
- Piliin na huwag makisali sa alinman sa mga protektadong aktibidad na ito
- Sa isang Estado kung saan ang mga naturang kasunduan ay pinahihintulutan, ang Unyon at Employer ay maaaring pumasok sa isang legal na kasunduan sa seguridad ng unyon na nag-aatas sa mga empleyado na magbayad ng mga periodic dues at initiation fee. Ang mga hindi miyembro na nagpapaalam sa Unyon na tumututol sila sa paggamit ng kanilang mga pagbabayad para sa mga layuning hindi kinatawan ay maaaring hilingin na bayaran lamang ang kanilang bahagi sa mga gastos ng Unyon sa mga aktibidad ng representasyon (tulad ng sama-samang pakikipagkasundo, pangangasiwa ng kontrata, at pagsasaayos ng karaingan).

Responsibilidad ng National Labor Relations Board na protektahan ang mga empleyado sa paggamit ng mga karapatang ito.

Nais ng Lupon na ang lahat ng karapat-dapat na botante ay ganap na malaman ang tungkol sa kanilang mga karapatan sa ilalim ng batas Pederal at nais na parehong malaman ng mga Employer at Unyon kung ano ang inaasahan sa kanila kapag nagdaos ng halalan.

Kung ang mga ahente ng alinman sa mga Unyon o Employer ay humadlang sa iyong karapatan sa isang malaya, patas, at tapat na halalan, ang halalan ay maaaring isantabi ng Lupon. Kung naaangkop, ang Lupon ay magbibigay ng ibang mga remedyo, tulad ng muling pagbabalik sa mga empleyado na tinanggal dahil sa paggamit ng kanilang mga karapatan, kabilang ang backpay mula sa partidong responsable para sa kanilang pagtanggap.

Ang mga sumusunod ay mga halimbawa ng pag-asal na nakakasagabal sa mga karapatan ng mga empleyado at maaaring magresulta sa pagsantabi sa halalan:

- Nagbabantang pagkawala ng mga trabaho o benepisyo ng isang Employer o isang Unyon
- Pangako o pagbibigay ng mga promosyon, pagtaas ng suweldo, o iba pang benepisyo, upang maimpluwensyahan ang boto ng empleyado ng isang partidong may kakayahang tuparin ang mga naturang pangako
- Isang Employer na nagpapaalis ng mga empleyado upang pigilan o hikayatin ang aktibidad ng unyon o ang isang Unyon na nagdudulot sa kanila na matanggal sa trabaho upang hikayatin ang aktibidad ng unyon
- Paggawa ng mga talumpati sa kampanya sa mga pinagsama-samang grupo ng mga empleyado sa oras ng kumpanya kung saan ang pagdalo ay sapilitan, sa loob ng 24 na oras bago ipadala ang mga balota sa koreo
- Pag-uudyok ng alinman sa isang Employer o isang Unyon ng pagkiling sa lahi o relihiyon sa pamamagitan ng nagpapasiklab na mga apela
- Pagbabanta ng pisikal na puwersa o karahasan sa mga empleyado ng isang Unyon o isang Employer upang maimpluwensyahan ang kanilang mga boto

Ang National labor Relations Board ay nagprotektta sa iyong malayang pagmili.

Hindi papayagan ang maling pag-uugali. Ang lahat ng partido ay inaasahan na lubos na makikipagtulungan sa Ahensyang ito sa pagpapanatili ng mga pangunahing prinsipyo ng isang patas na halalan ayon sa iniaatas ng batas.

Ang sinumang may tanong tungkol sa halalan ay maaaring makipag-ugnayan sa Opisina ng NLRB sa (510)637-3300 o bisitahin ang website ng NLRB www.nlrb.gov para sa tulong.

BABALA: Ito ang tanging opisyal na paunawa ng halalan na ito at hindi dapat siraan ng sinuman. Anumang mga marka na maaari mong makita sa anumang sample na balota o saanman sa notice na ito ay ginawa ng isang tao maliban sa National Labor Relations Board, at hindi inilagay doon ng National Labor Relations Board. Ang National Labor Relations Board ay isang ahensya ng Gobyerno ng Estados Unidos, at hindi nag-eendorso ng anumang pagpipilian sa halalan.

Estados Unidos ng Amerika
National Labor Relations Board

**Mga Tagubilin sa Pagboto ng Mga Kwalipikadong Empleyado
Sa Pamamagitan ng Koreo ng Estados Unidos**



TAGUBILIN

1. MARKAHAN ANG IYONG BALOTA NG LIHIM SA PAMAMAGITAN NG PAGLAGAY NG X SA ANGKOP NA KAHON. HUWAG PIRMAHAN O ISULAT ANG IYONG PANGALAN O MAGSAMA NG IBA PANG MGA MARKA NA MAGPAPAKITA NG IYONG PAGKAKAKILANLAN.
2. KUNG MAGSUMITE KA NG BALOTA NA MAY MARKINGS SA LOOB, O ANUMANG SAAN SA PALIBOG, HIGIT SA ISANG KALUWAS, HINDI BILANGIN ANG IYONG BALOTA. MAAARI KA HUMILING NG BAGONG BALOTA SA PAMAMAGITAN NG PAGTAWAG SA REHIYONAL NA TANGGAPAN SA NUMERO SA IBABA.
3. MAHALAGA NA MAPANATILI ANG SECRECY NG IYONG BALOTA. HUWAG IPAKITA ANG IYONG BALOTA KUNG KANINO MATAPOS MO ITO MARKAHAN.
4. ILAGAY ANG IYONG BALOTA SA ASUL NA SOBRE AT I-SARA ANG SOBRE.
5. ILAGAY ANG ASUL NA SOBRE NA NAGLALAMAN NG BALOTA SA DILAW NA ADDRESSED RETURN ENVELOPE.
6. **PIRMAHAN ANG LIKOD NG DILAW RETURN ENVELOPE SA IBINIGAY NA LUWANG. PARA MABILANG, DAPAT PIRMAHAN ANG DILAW NA RETURN ENVELOPE.**



7. HUWAG PAHINTULOT ANG ANUMANG PARTIDO – ANG EMPLOYER, ANG(S) UNYON, O KANILANG MGA KINAKATAWAN, O ISANG EMPLEYADO-PETISYO – UPANG HAWAKAN, KOLEKTA, O I-MAIL ANG IYONG BALOTA.
8. I-MAIL ANG BALOTA NGAYON DIN. WALANG SELYO ANG KINAKAILANGAN. Para sa karagdagang impormasyon, tumawag lang sa Opisina Rehiyonal sa: (510) 637-3300 o kay Nicholas L. Tsiliacos (510) 671-3046

PARA MABILANG, ANG IYONG BALOTA AY DAPAT MAKARATING SA OPISINA REHIYONAL NG

5:00 p.m. ng Martes, Disyembre 14, 2021

MGA KARAPATAN NG MGA EMPLEYADO

Sa Ilalim ng Acto ng National Labor Relations, ang mga empleyado ay may karapatang:

- Sa sariling organisasyon
- Bomuo, makilahok, o tumulong sa unyon
- Upang magkaunawaan nang sama-sama sa pamamagitan ng mga kinatawan na kanilang sariling pinili
- Upang kumilos nang sama-sama para sa mga layunin ng kolektibong pakikipagkasundo o iba pang tulong o proteksyon sa isa't isa
- Ang pagtangga na gawin ang anuman o lahat ng mga bagay na ito maliban kung ang unyon at employer, sa isang estado kung saan pinahihintulutan ang mga naturang kasunduan, ay pumasok sa isang naaayon sa batas na kasunduan sa seguridad ng unyon na nangangailangan ng mga empleyado na magbayad ng mga periodic dues at initiation fee. Ang mga hindi miyembro na nagpapaalam sa unyon na tumututol sila sa paggamit ng kanilang mga pagbabayad para sa hindi representasyonal na mga layunin ay maaaring kailanganin na magbayad lamang ng kanilang bahagi sa mga gastos ng unyon sa mga aktibidad ng representasyon (tulad ng sama-samang pakikipagkasundo, pangangasiwa ng kontrata, at pagsasaayos ng karaingan).

Responsibilidad ng National Labor Relations Board na protektahan ang mga empleyado sa paggamit ng mga karapatang ito.

Nais ng Lupon na ang lahat ng karapat-dapat na botante ay ganap na malaman ang tungkol sa kanilang mga karapatan sa ilalim ng batas Pederal at gustong malaman ng mga employer at unyon kung ano ang inaasahan sa kanila kapag nagdaos ito ng halalan.

Kung ang mga ahente ng alinman sa mga unyon o employer ay humahadlang sa iyong karapatan sa isang malaya, patas, at tapat na halalan, ang halalan ay maaaring isantabi ng Lupon. Kung naaangkop, ang Lupon ay nagbibigay ng iba pang mga remedyo, tulad ng muling pagbabalik sa mga empleyadong tinanggal dahil sa paggamit ng kanilang mga karapatan, kabilang ang backpay mula sa partidong responsable para sa kanilang pagkatanggal.

Ang mga sumusunod ay mga halimbawa ng pag-asal na nakakasagabal sa mga karapatan ng mga empleyado at maaaring magresulta sa pag-set aside ng halalan:

- Nagbabantang pagkawala ng mga trabaho o benepisyo ng isang Employer o isang Unyon
- Pangako o pagbibigay ng mga promosyon, pagtaas ng suweldo, o iba pang benepisyo, upang maimpluwensyahan ang boto ng empleyado ng isang partidong may kakayahang tuparin ang mga naturang pangako
- Isang Employer na nagpapaalis ng mga empleyado upang pigilan o hikayatin ang aktibidad ng unyon o ang isang Unyon na nagdudulot sa kanila na matanggal sa trabaho upang hikayatin ang aktibidad ng unyon
- Pag-uudyok ng alinman sa isang Employer o isang Unyon ng pagkiling sa lahi o relihiyon sa pamamagitan ng nagpapasiklab na mga apela
- Pagbabanta ng pisikal na puwersa o karahasan sa mga empleyado ng isang Unyon o isang Employer upang maimpluwensyahan ang kanilang mga boto

Ang National Labor Relations Board ay nagprotektta sa iyong malayang pagmili

Hindi pinapayagan ang maling pag-uugali. Ang lahat ng partido ay inaasahan na lubos na makikipagtulungan sa Ahensyang ito sa pagpapanatili ng mga pangunahing prinsipyo ng isang patas na halalan ayon sa iniaatas ng batas. Ang National Labor Relations Board bilang isang ahensya ng Gobyerno ng Estados Unidos ay hindi nag-eendorso ng anumang pagpipilian sa halalan.



**NATIONAL LABOR RELATIONS
BOARD**
Ahensya ng
Pamahalaang Estados Unidos